

183
**HAITI: THE AGREEMENT OF GOVERNOR'S ISLAND
AND ITS IMPLEMENTATION**

Y 4. F 76/1: H 12/10

Haiti: The Agreement of Governor's...

HEARING
BEFORE THE
SUBCOMMITTEE ON
WESTERN HEMISPHERE AFFAIRS
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRD CONGRESS
FIRST SESSION

JULY 21, 1993

Printed for the use of the Committee on Foreign Affairs



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1994

76-726 CC

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-044116-1

83
**HAITI: THE AGREEMENT OF GOVERNOR'S ISLAND
AND ITS IMPLEMENTATION**

Y 4.F 76/1:H 12/10

Haiti: The Agreement of Governor's...

HEARING
BEFORE THE
SUBCOMMITTEE ON
WESTERN HEMISPHERE AFFAIRS
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRD CONGRESS

FIRST SESSION

JULY 21, 1993

Printed for the use of the Committee on Foreign Affairs

REINSTATEMENT OF DOCUMENT
DEPOSITARY



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1994

U.S. GOVERNMENT PRINTING OFFICE

76-726 CC

WASHINGTON : 1994

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-044116-1

COMMITTEE ON FOREIGN AFFAIRS

LEE H. HAMILTON, Indiana, *Chairman*

SAM GEJDENSON, Connecticut
TOM LANTOS, California
ROBERT G. TORRICELLI, New Jersey
HOWARD L. BERMAN, California
GARY L. ACKERMAN, New York
HARRY JOHNSTON, Florida
ELIOT L. ENGEL, New York
ENI F.H. FALEOMAVAEGA, American
Samoa
JAMES L. OBERSTAR, Minnesota
CHARLES E. SCHUMER, New York
MATTHEW G. MARTINEZ, California
ROBERT A. BORSKI, Pennsylvania
DONALD M. PAYNE, New Jersey
ROBERT E. ANDREWS, New Jersey
ROBERT MENENDEZ, New Jersey
SHERROD BROWN, Ohio
CYNTHIA A. MCKINNEY, Georgia
MARIA CANTWELL, Washington
ALCEE L. HASTINGS, Florida
ERIC FINGERHUT, Ohio
PETER DEUTSCH, Florida
ALBERT RUSSELL WYNN, Maryland
DON EDWARDS, California
FRANK McCLOSKEY, Indiana
THOMAS C. SAWYER, Ohio
(Vacancy)

BENJAMIN A. GILMAN, New York
WILLIAM F. GOODLING, Pennsylvania
JAMES A. LEACH, Iowa
TOBY ROTH, Wisconsin
OLYMPIA J. SNOWE, Maine
HENRY J. HYDE, Illinois
DOUG BEREUTER, Nebraska
CHRISTOPHER H. SMITH, New Jersey
DAN BURTON, Indiana
JAN MEYERS, Kansas
ELTON GALLEGLY, California
ILEANA ROS-LEHTINEN, Florida
CASS BALLENGER, North Carolina
DANA ROHRBACHER, California
DAVID A. LEVY, New York
DONALD A. MANZULLO, Illinois
LINCOLN DIAZ-BALART, Florida
EDWARD R. ROYCE, California

MICHAEL H. VAN DUSEN, *Chief of Staff*
RICHARD J. GARON, *Minority Chief of Staff*
ABIGAIL ARONSON, *Staff Associate*

SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS

ROBERT G. TORRICELLI, New Jersey, *Chairman*

ROBERT MENENDEZ, New Jersey
JAMES L. OBERSTAR, Minnesota
CYNTHIA A. MCKINNEY, Georgia
PETER DEUTSCH, Florida
ALBERT RUSSELL WYNN, Maryland

CHRISTOPHER H. SMITH, New Jersey
ILEANA ROS-LEHTINEN, Florida
CASS BALLENGER, North Carolina
ELTON GALLEGLY, California

VICTOR C. JOHNSON, *Staff Director*
DOROTHY TAFT, *Republican Professional Staff Member*
RICHARD NUCCIO, *Professional Staff Member*
PATRICIA WEIR, *Professional Staff Member*

CONTENTS

Page

WITNESSES

Hon. Charles B. Rangel, a Representative in Congress from the State of New York	5
Hon. Major R. Owens, a Representative in Congress from the State of New York	7
Hon. E. Clay Shaw, a Representative in Congress from the State of Florida	9
Hon. Joseph P. Kennedy, II, a Representative in Congress from the State of Massachusetts	10
Ambassador Lawrence Pezzullo, special advisor on Haiti, Department of State; accompanied by Terry Rusch and David Cohen, director of Aid Mission in Port-Au-Prince	12
Hon. Michael D. Barnes, Hogan and Hartson, counsel to President Jean-Bertrand Aristide	31
Andrew Postal, president, Judy Bond, Inc.	40
Nina Shea, president, Puebla Institute; Kenneth Roth, acting director, Human Rights Watch; and Claudette Werleigh, director, Washington office of Haiti	42

APPENDIX

Prepared statements:	
Hon. Robert G. Torricelli	47
Hon. Charles B. Rangel	48
Hon. Major R. Owens	53
Hon. E. Clay Shaw	56
Hon. Joseph P. Kennedy II	57
Ambassador Lawrence Pezzullo	59
Hon. Michael D. Barnes	65
Andrew Postal	70
Nina Shea	75

MATERIAL SUBMITTED FOR THE RECORD

Hon. Major R. Owens, floor statement of	90
Chronology of Events in Haiti Since Aristide Coup	93
Hon. Major R. Owens, testimony of, before the House Subcommittee on International Law, Immigration, and Refugees, November 20, 1991	95
Kenneth Roth, statement of	99
Claudette Werleigh, statement of	108
Caribbean Latin American Action: Rebuilding Haiti	115
Questions to Assistant Secretary Watson, House Foreign Affairs Committee ...	119

HAITI: THE AGREEMENT OF GOVERNOR'S ISLAND AND ITS IMPLEMENTATION

WEDNESDAY, JULY 21, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to call, at 2:10 p.m. in room 2200, Rayburn House Office Building, Hon. Robert G. Torricelli (chairman of the subcommittee) presiding.

Mr. TORRICELLI. The subcommittee will please come to order. We meet today to review the historic agreement between President Aristide and General Cedras to return President Aristide to power and restore constitutional government in Haiti.

If this agreement is honored, it will be the first time, to my knowledge, that a military coup was reversed through negotiation and the legitimate government returned to office peacefully.

Many, of course, share the credit for this achievement. When the historic moment arrived, President Aristide and General Cedras had to determine that Haiti's interests required that they compromise and sign an agreement that both might have found imperfect.

If the agreement is adhered to, history will honor both for their courage.

History will also show that the Haitian situation started down the road to resolution when President Clinton made it a priority and when Secretary Christopher appointed Ambassador Pezzullo as his special adviser. Ambassador Pezzullo's skill and perseverance behind the scenes, were, I believe, essential to ultimate success.

We pay tribute, therefore, Mr. Ambassador, to you for your role in achieving this agreement.

And finally, the agreement could not have been achieved without the efforts of the special representative of the United Nations and the OAS, Mr. Caputo and the strong backing of the Secretary General of those two organizations.

Now, the hard part begins. Between now and October 30, the deadline for President Aristide's return, Haitians must come together and act in a way that will further the process.

A promising beginning was made last Friday when Haitians meeting at the United Nations achieved an agreement that sets the stage for parliament to play the role required to implement the agreement.

But much remains to be done.

President Aristide must appoint a prime minister acceptable to all parties. The parliament must approve the prime minister and amnesty law and a law establishing a new police force. The de facto government must cease its repression.

General Cedras must step down as scheduled and the military must return to the barracks. President Aristide must return to seek not vengeance, but conciliation. He must act to reduce the polarization that has characterized Haiti not only before and since his administration, but also tragically during it.

And last but not least, the United States must remain engaged over the long term and must transform its promises of aid into reality. If we lose interest after a year or two, move on to the next crisis and forget about Haiti and its people, then this opportunity will be lost.

So we meet at a time of hope for Haiti, but the first such time in many months, but everyone must contribute if this hope is to be realized.

This hearing today, I want to thank the members who have come forward and so many witnesses that I think make this hearing have the promise of being both interesting and fruitful.

[The prepared statement of Robert Torricelli appears in the appendix.]

Mr. TORRICELLI. Mr. Smith.

Mr. SMITH. Thank you very much, Mr. Chairman, members of the committee, the distinguished members who will testify shortly and witnesses.

I appreciate your scheduling this hearing at this crucial time considering the agreement signed earlier this month at Governors Island. Like many of my colleagues, I was eager that our subcommittee begin to address the issues of Haiti, restoration of constitutional government, sustainable economic development, the guarantee of basic freedoms and civilian control of the military.

I am particularly pleased that the President's Special Adviser on Haiti is here today, as well as several colleagues.

I am hopeful, Mr. Chairman, that the signing of the Governor's Island Agreement will mark the beginning of a dramatic, positive political change in Haiti. For the sake of the beleaguered Haitian people, this agreement will hopefully take its place among treaties and compacts of world history and not be relegated to a trash bin filled with good intentions that went astray.

I think the agreement provides the only glimmer of hope for the Haitian people for many a decade. Maybe with this in hand, opportunities for economic development in Haiti will soon be visible on the horizon and just maybe for once human rights will be embraced and honored.

As a signatory to the agreement, General Cedras has his obligation to fulfill and the military must conform and uphold each step as a matter of high principle. The United States and the international community must continue to support the restoration of democratically elected President Aristide.

I, along with many of my colleagues, have had the opportunity to meet with him on a number of occasions. I was particularly moved when within a few days after his ouster he broke bread with us and shared with all of the members assembled the plight of the

Haitian people and the downfall of his presidency. That hope is on the verge of being reversed.

It seems to me, Mr. Chairman, that Mr. Aristide needs to generate a climate for restoration and for the nurturing of democracy. As we have seen in many other countries where high hopes have been raised, democracy is not an automatic. President Aristide must take a resolute stand against violence, which I am sure he will. He must stand against popular justice, the grizzly necklacing, and total disrespect for the constitutional structure of checks and balances.

I happen to believe, and I think it is shared by many members, that an unusual depth of leadership and skill will be required at this juncture to move Haiti forward. Haiti after all has no tradition of democracy and no one wants a reprise of the status quo, of extrajudicial killings and other abuses of human rights.

I look forward to the comments that have been made by members and by witnesses and again I thank you for scheduling this important hearing.

Mr. TORRICELLI. Thank you, Mr. Smith.

Ms. McKinney, do you have a statement you want to enter for the record?

Ms. MCKINNEY. Yes, I do, Mr. Chairman, and I would also just like to, in addition to thanking you for putting together this public hearing and of course commending the President and the U.N. and the OAS, I would also like to take a few moments just to congratulate the steadfastness of the Congressional Black Caucus too and its role and leadership on this issue as it never allowed the return of Aristide to die in—to be placed on the back burner, and I would like to commend the Congressional Black Caucus too.

Mr. TORRICELLI. Mr. Wynn.

Mr. WYNN. Thank you, Mr. Chairman.

I also want to thank you first for convening this hearing at the request of Ms. McKinney and myself. It is a very important matter and we appreciate your responsiveness on this issue and your interest in this issue.

Obviously there has been progress over which we are all very excited. We are also well aware of a number of potential pitfalls at this point. So the information we will glean from today's hearing will certainly be very helpful.

I would like to join my colleague, Ms. McKinney, in commending Representative Owens as Chair of the CBC Task Force on Haiti for his leadership and also Representative Rangel for his continuing and long-outstanding work on this issue. They have really been at the forefront and I, as a freshman member, particularly appreciate the efforts of both of these gentleman.

Mr. TORRICELLI. Mr. Menendez.

Mr. MENENDEZ. Mr. Chairman, this is an important stage in the future of Haiti and it is important to as a fellow member here in the Western Hemisphere. I look forward with great hope to the agreement that was reached and that in fact it will be implemented.

Haiti, I believe, is the second republic in the Western Hemisphere to obtain its liberty, but actually it has truly never been free and I hope with this agreement, Haiti will be on its way to

genuine freedom and independence and an improved standard of living for its people. And I believe that to a great degree, it shows what can be done to obtain and change the course of events to democracy and to recognition of the democratic principles which, in fact, recognize that President Aristide was duly elected and that, in fact, when that happens, that the world community should join together to make and to preserve what people in essence voted to do, which is to be governed by someone which they chose to be governed.

And in fact I think that we see here in this agreement and in the efforts made that when the world community gets together on behalf of an issue, and when we do things that are leak-proof, we, in fact, can obtain some very positive results.

Mr. TORRICELLI. Mr. Oberstar.

Mr. OBERSTAR. [Speaking French] I am just saying welcome. Glad to see my colleagues here.

Mr. TORRICELLI. He is translating for members of the Ways and Means Committee. Members of the Foreign Affairs Committee automatically understand.

Mr. OBERSTAR. We have a big problem but as the Haitian proverb goes, "Even though the load is heavy, many hands make it lighter," and we do have a big problem and rather than belabor, I have given 30 years of my life one way or another to the cause of Haiti, having lived there for 3½ years, and I would just as soon we get on with the statements from our colleagues and hear what they have to say.

Mr. TORRICELLI. Thank you, Mr. Oberstar.

Gentlemen, welcome and thank you for joining us today. First I apologize that the hearing started a few minutes late.

The Port Authority was outlining how it was going to spend the toll dollars of New Jersey commuters for a better New York. Mr. Menendez and I wanted to be there to hear every project. I know that you fully understand.

And second, I would like to thank the members of the committee for their kind comments. I am very proud of the role of this subcommittee during the Haitian crisis and the extent that we stayed engaged.

I believe we were a positive force in working with the administration to ensure that they never lost confidence in a settlement, though in truth, we largely had no choice because I don't think there is a day that went by where I saw Mr. Rangel where he didn't ensure that we were paying that much attention, and I know Mr. Owens, as the leader of the task force, shared that same commitment to the same extent.

It is fitting therefore that joined by Mr. Shaw and Mr. Kennedy, you should start today's hearing because each of you have been important voices in what I think for the Haitian people is the promise of a breakthrough to at long last a far better future.

Mr. Rangel.

STATEMENT OF THE HON. CHARLES B. RANGEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. RANGEL. Thank you, Mr. Chairman, and my friends and members of this committee. I am certain that all of us feel very proud and sometimes humbled to be elected to this great body and I know that all of us are committed to trying to leave a better world than that that we found, but how often does the opportunity really come to leave a legacy to the next generation to say that no matter what your press offices try to say that you have done, that you know in your heart that you tried to share this great dream of democracy and opportunity to people that have led a history of being persecuted, and so I think as someone else has said, this is a very historic period.

It is such an important period in our history as we assume the leadership of the entire world, whether we want to be in that position or not, to be able to set an example by taking the poorest country in this hemisphere and saying that not in our world you don't do this, that you don't shoot down innocent people, you don't have the military taking over governments where the people have elected their leaders, and so there was a lot of pain that a lot of us felt when we saw the different standards that were being applied to Haiti, and coming from the city of New York and being so proud to be considered at least in part the guardian of the Statute of Liberty, but knowing how many people came from so many different parts of the world and the excitement of seeing other Americans being upset because a boat landed on one of our beaches with 300 Chinese, this is nothing.

Big boats lands from all different countries and somehow New York City with all of its problems tries to make America proud by opening up our hearts and our arms, and then we saw the Haitian people. Not only did we see them in shark infested waters trying to reach our democratic shores, but it is now somehow we have stretched a law to have some people believe that we can actually go to the country where we think people are leaving and put an embargo so they can't leave. It stretches one's morality, it stretches the law, and even the Supreme Court had to find some kind of language to say that if we find it legal, we sure can't find it moral.

But having said that, President Clinton has done something that I don't believe was based on the politics of it or even recommendations from the State Department. He held the same doubts as many Members of Congress had that were spread in part by the State Department that the villain wasn't the general who led the coup, but actually the victim who had to flee the country, but when he met the President, as Mr. Smith had indicated in part, he knew then which side he was on, and since he made that decision with himself and with his State Department and without Congress, my God, what a difference it makes.

I have really seen firsthand as to how they say, it is the President that sets the foreign policy and the State Department who executes it. I kind of thought these people had been around for so long that they didn't care who was President, that they were going to proceed in the way they thought best, but the State Department changed.

The message to the Organization of Americas changed, the message to the United Nations changed and the United States was a part of this battle to make certain that the illegal, immoral government, de facto government knew that we were committed to a return of democracy and the return of President Aristide, to the extent that we finally took out of the arsenal an item that we use freely in other countries but dare not even think about in knowing our European friends, and that is the oil embargo.

And so through that everyone came to the table, some of us just treasured being a part of that historic occasion in Governor's Island, and with the usual political heat and disagreement, an agreement was finally hammered out with our Ambassador Pezzullo there, with Ambassador Caputo from the U.N. and with the parties agreeing that they were going to have a transition.

I think my brother, Congressman Wynn, has said, and now we start dealing with the real problems, because in that agreement, the military government is going to be really in charge until there is time for the President to return home. I know politically I would not want to be around when an illegal military government is leaving.

I would fear that he would be leaving people to continue to support the causes that the military had. I would be concerned as to whether or not they could still influence the legislature that is to confirm the appointment of the person selected by President Aristide to be prime minister.

I would have to have some assurances that the human misery and violation of human rights that have continued to be perpetrated by the military, that somehow we know that it is our responsibility to see that the international community is there and that it is not just Aristide, it is not just Haiti, but the leader of the free world and her reputation, our credibility is on the line, and not just for Haiti, but for any other country that needs the great moral strength of the United States to stand up to those who have no regard for law and order and democracy and opportunity.

But even more than that, those of us that find it very difficult to trace our history, those of us that if we were offered an opportunity to visit the land of our origin and have the trip paid for free for our families to go, and all we had to do is name the village or the town or the city or even the country that our family sprung from, African Americans unfortunately do not enjoy what so many other Americans take for granted, and that is a homeland.

But one thing that is clear, that those people in Haiti come closer than a lot of other countries in representing where we come from and we may not be able to go to Africa, but vicariously we can live through their pride, their fight for independence, their denial of liberty and opportunity and be able to say that it is part of our legacy too, that we as a people were able to free some of our people.

And so, Mr. Chairman, let me say to you and your committee, what a great moment for you to be on this committee at this point in time. What a great legacy you can help this Congress to make, and what great luck we had in having a President that was more concerned about doing the right thing than doing what could have been popular.

And I want to thank you for your leadership in this and you know that you have a team out there that doesn't serve on your committee but we are prepared to do whatever is necessary to make certain that we all succeed.

Thank you.

Mr. TORRICELLI. Thank you, Mr. Rangel.

[The prepared statement of Charles B. Rangel appears in the appendix.]

Mr. TORRICELLI. It bears repeating, however, that for most of the Caribbean, you have served as a bridge between its needs and America's interests. Haiti was no exception in that, and as all of us have now noted, the more difficult days are now ahead.

The price of restoring Haitian democracy was profound with deep economic damage to a desperately poor country. It should be on all of our consciences if that lasts a day longer than it takes to restore democracy, and in that fight, no less than in reaching a political settlement, your willingness to come forward and work with this committee and help us find the resources lest there be any more victims of the Haitian tragedy will be absolutely critical.

I know you will do that, but we ask just the same.

Did you have anything, Mr. Rangel, that you wanted included in the record?

Mr. RANGEL. No. I do have a statement I will leave, and it is in English, not French.

Mr. TORRICELLI. Without objection, it will be entered in the record at this point.

Mr. Owens.

STATEMENT OF THE HON. MAJOR R. OWENS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. OWENS. Yes, Mr. Chairman, I too would like to thank the committee for holding these very significant hearings and thank you for the opportunity to testify. I also want to add my applause to the actions taken by the President and the administration to finally move and assert the considerable influence of the United States in pushing toward an agreement, the beginnings of an agreement that will end this nightmare for Haiti and a nightmare for the United States, because we have been in the position of establishing some very unfortunate precedents and taking some very unfortunate actions as a result of our reaction to the Haitian dilemma, problems there.

I represent New York's 11th congressional district which has the second largest number of Haitians, Haitian Americans and Haitian immigrants in the country, and I have followed developments in Haiti since I entered Congress 11 years ago. I also now am the Chair of the Congressional Black Caucus Haiti Task Force.

You have a long list of witnesses and I won't take too much of your time.

I would like to leave for the record several documents. Three are from my files from October and November of 1991, and include a floor statement of October 1, 1991, the day following the coup and the short chronology of the events in Haiti following the coup and my testimony before the House Subcommittee on International

Law, Immigration and Refugees on November 20, 1991 concerning U.S. policy regarding Haitian refugees.¹

I think those documents are relevant to help us to remember how we got to where we are and the implications of some of the things that are happening now.

I would like to just telescope my remarks into a few statements about the agreement that has been reached. The agreement was reached with President Aristide under great pressure I am sure to sign an agreement of this kind. Let's note that while it starts some movement forward, the watchdog responsibilities of this committee are considerable.

The vigilance of this committee is very much needed, the vigilance of this committee and the vigilance of the Clinton administration, OAS and the U.N. Here we have an agreement which is unprecedented probably, to understand the problems and the dangers in this agreement, to stop and think of what it would mean if we had forged an agreement whereby Saddam Hussein was going to be in charge of the transition to democracy, or the rebuilding of democracy in Kuwait, if Saddam Hussein was in charge of rebuilding Kuwait, or if Adolf Hitler had been allowed to stay around to reconstruct democracy in Germany. These are slight exaggerations but the essence of it is a problem.

You know, we have a situation where the people who disrespected democracy, the results of democracy, the President who was elected by 70 percent of the vote was overthrown by military coup, and the people who led that coup are now going to be in charge of the transition to a new democracy.

I have heard too often General Cedras and President Aristide mentioned as equals. They are not equals. One is a traitor. General Cedras is a traitor. General Cedras violated the Haitian constitution. He overthrew the lawfully elected government. If the U.S. Government stands for anything, it is for democracy and certainly our support should have always been firmly there for the President who was elected by 70 percent of the people.

Then he proceeded to appoint a general named Cedras who participated in the overthrow of the government, and 24 months later we are negotiating an agreement where that same traitor is going to have a leading role in the return to democracy. Steps that have been taken since the agreement was signed a few weeks ago indicate that the spirit of General Cedras and his group has not changed very much.

There is as much repression in Haiti as there was before. The people who support Aristide are still being terrorized. There is a tight grip on the country by the military. There is a situation of great danger in that many members of the military are engaged in drug trafficking. They have their own agendas.

It is going to be very hard for General Cedras to control them. Indeed, General Cedras has said in private many times that he really did not start the coup or was not in charge of the coup. He only stayed as head in order to save his own head. Other people under him started it and the situation was out of control.

¹ This information appears in the appendix.

I hope that that excuse won't be used again as points in this agreement are torpedoed. I hope that they will not be torpedoed. I hope they will not be sabotaged but I think that the only way we can avoid sabotage and the only way we can avoid an unraveling of this agreement and the continuation of the intended rule of the military in Haiti is that we pledge ourselves, both the Congress and the administration, to watch with great vigilance to insist, to be very firm about enforcing every step of this agreement.

I trust that this committee will dedicate itself to that purpose. Thank you very much.

Mr. TORRICELLI. Thank you, Mr. Owens, very much. Mr. Shaw. [The prepared statement of Major Owens appears in the appendix.]

STATEMENT OF THE HON. E. CLAY SHAW, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. SHAW. Thank you, Mr. Chairman. I have a complete statement that I would ask—

Mr. TORRICELLI. Without objection, it will be entered in the record at this point.

Mr. SHAW [continuing]. be made a part of the record. Following Mr. Owens and Mr. Rangel doesn't leave a whole lot to say but I would like to focus on one aspect.

There is no way that you can maintain a democracy in such poverty. There is no way that the—one of the poorest countries in the world can exist next to the richest country in the world without creating a lot of problems, and we have seen a lot of these problems down in south Florida with the migration of these poor people coming into the United States wanting nothing better than—nothing more than a better life for themselves or their family.

I have been an active spokesman in supporting the blockade of Haiti, unlike some of my colleagues here at the table or here in this room, however, that hopefully is behind us, and we need to move into a different era, and that is an era of economic support.

It is going to be tremendously important to the United States. It is going to be absolutely vital to the future of Haiti that we put together a marshaled plan for Haiti that it creates tax incentives for American investors to go in and create jobs of—labor intensive jobs for the people of Haiti, that there is going to have to be direct economic aid to go to that island nation if the democracy is going to survive.

So I would only hope, and I pledge as a member of the Ways and Means Committee to look for and to propose legislation giving tax breaks to American investors to invest in the free market system in Haiti itself to create jobs in Haiti so that that island nation can prosper and that democracy will have a chance.

Without economic growth, there shall be no democracy in Haiti. It is absolutely vital.

Thank you, Mr. Chairman.

Mr. TORRICELLI. Thank, Mr. Shaw and thank you for being with us today.

Mr. Kennedy.

[The prepared statement of E. Clay Shaw, Jr. appears in the appendix.]

STATEMENT OF THE HON. JOSEPH P. KENNEDY II, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. KENNEDY. Thank you very much Mr. Chairman and members of the subcommittee. I appreciate your tremendous interest. I am impressed by the number of members that have come here to listen and testify to much of the important testimony that will come after the members depart.

I do want to commend in particular both Dante Caputo and Larry Pezzullo for the contributions that they made to this process. I also saw Mike Barnes in the room. It is our old colleague and someone who also contributed a great deal to this process.

Mr. Chairman, I briefly want to just set out some principles that I think are important. I attended several of the meetings on Governor's Island and was there on a number of different occasions throughout the period of the negotiations. I do think that there are certain principles that we in the Congress have got to make certain continue to be brought to light and that come into play should situations change in any way.

First of all, while the sanctions are in place, enforcement must be tough. The United States should make it clear to the Dominican Republic that violations are unacceptable. We should exclude from U.S. ports any ship or aircraft that violates the sanctions. Sanctions must be suspended when President Aristide nominates a prime minister and that prime minister takes office following the confirmation by the Haitian parliament.

Second, the United States should send a high level delegation in my opinion to Haiti during the parliament's consideration of President Aristide's nomination for prime minister. The parliament has many who oppose the President's return. And it has been made clear that the United States places a high priority on the confirmation of Aristide's choice to lead a new government.

I had several conversations with the President who expressed a great deal of concern that the new parliament still could possibly be under a great deal of influence by Mr. Cedras and his designates over the period of the time of the transition.

Third, Ambassador Pezzullo who worked hard to help gain the agreement to restore democracy should exercise firm control over all aspects of U.S. policy to Haiti during this difficult transition period. In the past, the United States has sent mixed messages on Haiti and we can't afford that in the period ahead.

Fourth, the Clinton administration is preparing assistance for Haiti during the transition to democracy. No U.S. military aid should be dispensed bilaterally, even for the retraining of Haitian security forces. It should all go through multilateral channels and the U.N. Given the history of U.S. involvement in Haiti, it is crucial that we now operate within the framework of the international effort.

Fifth, the United States should condition all aid on the observance of basic human rights and civil liberties in Haiti. General Cedras has said that he cannot tolerate even peaceful protests. International observers report that demonstrators are still beaten, sometimes severely, while in military custody.

We must use our significant assistance to press for an end to their abuses.

Finally, the U.S. assistance must be used to erode, rather than reinforce, the massive disparities that exist between rich and poor in Haiti. The program that should have strong components that promote food security, small business, health, education and environmentally sound and sustainable development.

Unfortunately, as people on this subcommittee are aware, our programs have not met these challenges in the past. The National Labor Committee Education Fund reported that in 1991 the USAID helped organize, finance and manage elite business opposition to the economic and social policies of the democratically elected government of President Aristide.

U.S. tax dollars were reportedly used to oppose Aristide's attempt to raise the minimum wage from 33 cents to 50 cents an hour. It just seems to me that while these disparities exist in Haiti, we will always have the kind of dissent that has taken place in times past.

It will mean controversial new policies that will have to be implemented by the President. I think that if we can support the democratically elected government, watch over this process in transition, that we will be able to have the kind of policies that we can all be proud of.

[The statement Joseph P. Kennedy, II appears in the appendix.]

Mr. TORRICELLI. Mr. Kennedy, is it your belief that the National Endowment was distributing money that was used contrary to Mr. Aristide's Democratic government?

Mr. KENNEDY. That is my understanding.

Mr. TORRICELLI. Was it your suggestion that the United States have observers sent to oversee the selection of a prime minister in the parliament, international observers?

Mr. KENNEDY. I think as a part of any international observer force, the United States should certainly participate in a very meaningful way. This was part of the negotiation that took place and I would obviously have a—listen in great interest to what Ambassador Pezzullo would have to say about that.

Mr. TORRICELLI. Being on Governor's Island, was it your impression that that was acceptable to President Aristide or that that would be helpful?

Mr. KENNEDY. I think that was a critical component.

Mr. TORRICELLI. While the parliament is considering a new prime minister?

Mr. KENNEDY. Absolutely. As a matter of fact, Mr. Torricelli, the President had very strong objections to the agreement based on the idea that the government that would be put into place has—could fall under the influence of Mr. Cedras and his designates, and without real observation by the international community, they could end up calling for a vote, for instance, 2 or 3 months from now that could end up, again, derailing his ascension back into power.

Mr. TORRICELLI. We have only a couple of minutes, but in the moment or two remaining, would any members like to—

Mr. SMITH. Just very briefly. One point which is important, and Bob alluded to this earlier. We don't want to see the sanctions in

place any longer than they absolutely have to be because it seems to impoverish the people. If for some reason they were to be lifted prior to—I know the accord does not call for that, prior to the actual implementation in the takeover by President Aristide or the—his reemergence, do you think that would be helpful?

Again, with each day that goes by, there is further impoverishment and people go further and further into despair.

Mr. KENNEDY. I for one would think it would be a major mistake if this was not signed off by President Aristide himself. I could see certain circumstances under which President Aristide might feel comfortable in moving up the schedule for the elimination of the sanctions, but without his blessing, I think it would be a terrible mistake.

Mr. SMITH. I am not suggesting it be done unilaterally.

Mr. TORRICELLI. We have under 3 minutes. Mr. Kennedy, Mr. Shaw, thank you very much for being with us. When the committee returns, we will hear from Ambassador Pezzullo who will please come forward. The committee recesses for a few minutes.

[Recess.]

Mr. TORRICELLI. Will everyone please take their seats, the committee would come to order.

Ambassador Pezzullo, welcome.

STATEMENT OF AMBASSADOR LAWRENCE PEZZULLO, SPECIAL ADVISOR ON HAITI, DEPARTMENT OF STATE, ACCOMPANIED BY TERRY RUSCH AND DAVID COHEN, DIRECTOR OF AID MISSION IN PORT-AU-PRINCE

Ambassador PEZZULLO. Thank you.

Mr. TORRICELLI. We are all enormously proud of the work you have done. You have brought great honor upon the Government of the United States, having been a positive force at a desperate moment in the life of the Haitian people.

It is of no small credit that President Clinton had the vision and the commitment to assure that he found a person of great skill and commitment who would bring this to a proper conclusion. That credit is of course shared with a man who gave his own efforts to have this day reached.

So we welcome you and we congratulate you and we are grateful to you for the service that you have given. With that, if you would, share with us your thoughts.

Ambassador PEZZULLO. Mr. Chairman, thank you for the kind words. And if I could in behalf of Envoy Dante Caputo who is not here, I would like to thank you too. He shares most of the credit for this, and I think history will show it was on his part an effort of a magnitude rarely seen in multilateral diplomacy.

Let me make a short statement, Mr. Chairman. I have made a report to you which you can read at your leisure. Let me just review some of the issues and be glad to take any questions you have.

When this administration, the Clinton administration, came into office, the President stated early in that administration that he would seek to restore democracy to Haiti to save human lives and establish a system of fair treatment for refugees.

Shortly after that, in fact in early March, he had a meeting with President Aristide which was an historic meeting held in the Oval Office at which he made a strong personal commitment to the President that he wanted to see the restoration of democracy, the restoration of President Aristide in power, and that he would do what he could as the leader of the United States to support this UN/OAS effort of negotiation.

He said further at that time that I was brought aboard to help coordinate U.S. efforts to bring this about. Following that, I began working very intimately with Envoy Caputo and with both parties to see what room there was to bring about a settlement.

I must say at that point if you were a betting man, there were very few who would wager that we would be here today talking about an agreement on Governor's Island and an agreement among parliamentarians and political parties to pave the way for the return to constitutional government.

We began then the beginning of the negotiations dealing with both parties, and one of the things that emerged early was a concern on both sides they stated in different ways, but it was a concern about the environment, the guarantees very often was used as a word, how do we assure ourselves that when the process begins, that somehow violence from either side will not mar this effort to return, the fundamental issue.

And we dealt with that as best we could, and our conviction was, you needed something on the ground in the way of a presence, an international presence, both with the police and the military, to give assurance. We used the term dissuasive presence. That was to say, people who would be there to work with the Haitian military, Haitian police to build a sense of confidence that the process of transition we were going through would be accompanied by the international community.

We drew up a program for that in mid-May which neither party found capable of agreeing to, although in substance both accepted it. It was the format for the concept that they found difficult to deal with. We were particularly vexed by the fact that the military, who had been telling us that this had to be a precondition, turned it down.

We began then to feel that the only way to get them to take seriously the negotiated process was to increase sanctions. Now, you will remember that sanctions were put in place by the OAS the year before. These were voluntary sanctions. We now felt we had to go further.

So we began mounting a program of stricter sanctions and it began on June 4 with President Clinton unilaterally announcing that he would bar entry and freeze assets of individuals in the de facto regime and within the military establishment. We had frozen the assets of the country the year before, and that he would seek a greater compliance with the OAS sanctions which were voluntary, but we had the sense that they weren't stringent enough, and finally, that he would consult with the U.N. and member states to look for what would be unprecedented U.N. sanctions through the Security Council to make even firmer the—our concern of bringing the de factos, the military to the bargaining table.

In all of this process it was made clear to all sides that the purpose for the sanctions was to begin the negotiations, to bring people to the table. The old analogy about the farmer, you recall, beating the donkey on the head with the 2-by-4 and being stopped by somebody who said, you are going to kill that animal, and his point was, I am not trying to kill him; I am trying get his attention.

Well, the sanctions were very much that 2-by-4 and we did get their attention and they did come to the table. And they finally agreed to meet on a face-to-face basis with the members of the Aristide team, and after some debate as to where and when, we ended up on Governor's Island, and never having been a New Yorker, I had never been there before, but I might say it is a delightful spot and it is the only place in Manhattan if you ever get in a quiz that has a golf course, only golf course in Manhattan, even though it is not part of that, and we spent time with both delegations and finally agreed on what I think is an unprecedented agreement, which lists 10 steps for the return of Aristide.

The first step is the, what we took care of last week in New York, was to get the parliamentary, members of the major parliamentary delegations and members of the major political blocs to agree to a process of returning the parliament, using the parliament to return to constitutional government, deal with the elections, the illegal elections of January 18, 1993, and agree to a political truce period so that the new government would come into being with a parliament of diverse factions supporting reconciliation, reconstruction.

The next step, the next series of steps are as follows: The naming of a prime minister by the President with now the parliamentary situation ready to accept that and confirm that prime minister.

That brings into being the new constitutional government, opens up the possibility of foreign assistance, and allows the Aristide government to put its own government in place and deal with some of the concerns it has about human rights, about programming and the like.

On the entry into office of that prime minister, the sanctions are suspended. This by the way is unprecedented in the U.N. system. They either lift or impose sanctions. Under this agreement, they suspend them with the idea in mind of keeping them in abeyance should the process of reconciliation and return of constitutional government falter, and part of my testimony includes a letter, a verification letter from Envoy Caputo indicating exactly what he will be doing reporting every month and keeping a very close eye on the comportment of the parties as we go through this process.

So in effect the sanctions sit up there as a Damocles sword and can drop any time if there is noncompliance. The next step as I say, prime minister, sanctions suspended, amnesty granted of some form still to be devised.

Then we begin to get into the programmatic side of things. The foreign assistance comes in, job creation, social development programs, programs to just get the economy moving. It is in desperate straits. David Cohen, who is with me, who is the director in—of AID in Port-au-Prince could give you some idea of that if you would like.

The new police force is consummated in law. That is to say, they passed a law creating the new independent police force which then permits the President to name a new chief of police. Actually they call him commander in chief of the police. The current police chief steps down and we begin the process of developing a new civilian police force which will take time, which will take 3 or 4 or 5 years, but it begins then.

Then after that, General Cedras will retire. When he retires, the President will name a new commander in chief who in turn will appoint a new general staff. So the current general staff, Cedras, leave the scene, and then on October 30, Aristide returns.

The whole thing was devised so you would have prudent periods of a government getting itself into governing, getting its legs under it in effect, dampening down the concerns of people, the police and military forces in the country beginning to act as a presence which helps people develop more confidence in the process, and then when Aristide comes back, this process has been detrained.

He has got his own military commanders in place, he has got his own police chief in place. It is his cabinet, programs are begun and hopefully making some impact.

The OAS and U.N. under Envoy Caputo, who will be in the country during this period, will be keeping an eye on this all the way along. The human rights issue, which is of concern to everybody, is being attended to by the InterAmerican—the International Civilian Mission which, incidentally, is a unique institution created for Haiti at the behest of both parties and with agreement by both parties.

I think it is the only institution developed by the international community which has people all through a country monitoring performance daily, 160 people, highly trained, very professionally led. The deputy is the former Secretary General of Amnesty International, people who are very vigilant to conditions and will be reporting through Envoy Caputo on performance as we go through this period.

The international community separate from this has been making its plans on building up programs that will move in quickly following the return of constitutional government. On our side we have reprogrammed \$37.5 million from other programs because 1995 had very little money in it for Haiti so we had to, in effect, grab it out of other programs.

This money will be used to do a series of things, a large portion of it, \$10 million, to pay for the International Civilian Mission. For arrears clearance \$12.5 million or something in that neighborhood and some of the early impact social development programs we are thinking of.

Another \$4 million for the beginning of an administration of justice program, very needed. It is a companion piece to the police, the creation of a new police force; \$2.4 million for the beginning of the military program which would include CB trainers and engineered groups, and then minor portions for police and other things.

Let me finally say, Mr. Chairman, that the international community, I think, has done a job which is unparalleled. In this case it has helped to put together, if you will, a plan, a blueprint that is

going to supply most of the material to make that blueprint a reality.

It is going to include technical assistance to help with the building of the structure, but ultimately the Haitians have to construct it. The Haitians have to make it live and the Haitians have to make it work. We all see that.

I think the Haitian parties on all sides have shown remarkable leadership. This is a country that has had very little experience in the give and take of a democratic system, and certainly in a negotiation as difficult as this, and I think we all respect the concerns they have on all sides, but we see now a period in which constructive action has to be taken by them with the accompaniment, support and oversight of the international community.

Thank you.

Mr. TORRICELLI. Thank you Ambassador, very much.

[The prepared statement of Ambassador Pezzullo appears in the appendix.]

Mr. TORRICELLI. What is the timing that we can expect from President Aristide in the naming of a prime minister?

Ambassador PEZZULLO. Well, that could happen momentarily. That really is a decision he could make at any moment he feels he is comfortable with the person he would like to appoint.

Mr. TORRICELLI. He doesn't have the power to continue the embargo until a prime minister is named, creating a rather extraordinary situation where he can unilaterally keep the international community in an embargo status.

Is there a point at which not naming a prime minister becomes bad faith?

Ambassador PEZZULLO. Well, I wouldn't want to infer any bad faith on the President. I think he sees this as an issue of importance to him. I think he sees the importance of moving quickly, so I wouldn't jump to the conclusion that there is any bad faith on his part.

Mr. TORRICELLI. Would you jump to that conclusion if there isn't a prime minister named in a month?

Ambassador PEZZULLO. I think that would be an unusual circumstance and I don't think that is in his——

Mr. TORRICELLI. So if there is not a prime minister named in a month, would you find it unusual?

Ambassador PEZZULLO. Well, that is a word.

Mr. TORRICELLI. It is. Is it yours?

Ambassador PEZZULLO. It is certainly not what was planned or what was signed onto in Governor's Island.

Mr. TORRICELLI. Suppose there is not a prime minister in a month, would you consider it outside of the scope of the sense of Governor's Island?

Ambassador PEZZULLO. Well, it would certainly not be in keeping with the pace of the events that were contemplated. And let me just say on the side of the conditions on the ground, I am not living in Port-au-Prince as David is now, but all the reports we get are that the sanctions are cutting in very deeply.

The situation in Haiti before the sanctions was not great, and there is a concern about the effect on it and on a very debilitated economy. After all, what we are trying to do——

Mr. TORRICELLI. That is why I am raising the point. While discussions go on about a potential prime minister, we have got people in desperate circumstances with the continuing threat of contagious disease. This can not go on forever.

Ambassador PEZZULLO. Well, you know, the Secretary on—I think it was on Monday, made a press statement talking about the urgency of moving forward, and advised that the President move on this issue as quickly as possible.

I think it is in the minds of many people that this is the urgent next step and I would hope we would see it forthcoming very soon.

Mr. TORRICELLI. From observing the process thus far, does it appear that President Aristide is engaged in the kind of broad-based discussions in Haiti that would lead one to believe that this choice of a prime minister is both forthcoming and, more importantly, genuinely representative of different segments of the society?

Ambassador PEZZULLO. I think he is very sensitive to the quality of the prime minister, because the demands on the new government are going to be enormous and I think he is very sensitive to that and will be looking for somebody not only with the stature to perform the job, but also someone who is accepted by other segments in society, and I think that is the kind of person or person with those qualities will be selected.

Mr. TORRICELLI. Tell me the scale of the amnesty that you expect.

Ambassador PEZZULLO. Well, the amnesty being discussed is something that revolves around a provision in the constitution, Article 147, that permits the President to grant amnesty to people who have committed political crimes.

There was also a discussion earlier and certainly at Governor's Island about congressional—as the parliamentary body considering an amnesty law which would flesh out even further some of the amnesty provisions.

We, on the international side, the United States and certainly Caputo on the UN/OAS side, have never gone further in this than to reflect what seems to be an interest of the parties. We have not gotten into cases or issues as to what these—

Mr. TORRICELLI. But when President Aristide does issue an amnesty, I would like to measure it against what your current expectations would be, having participated in discussions in Governor's Island.

I am not asking you to review specific cases or names certainly, but tell me the scale of the amnesty that you would expect to be within the spirit of those discussions on Governor's Island.

Ambassador PEZZULLO. Well, that is a hard one to answer because the—really the quality of the amnesty really has to be responsive to what the Haitians think is necessary within this context.

As you know, there have been a series of countries, especially in Latin America, that have gone through periods of military rule and then have gone back into civilian rule, and you find very little parallelism between what happened in Chile or what happened in Argentina or Uruguay or Brazil.

Each of them dealt with this issue in different ways and my suspicion is the Haitians will deal with it in a way that the Haitians can live with. We are not—

Mr. TORRICELLI. This is all, of course, why you chose to become a diplomat. We understand—I understand the setting, but the discussions in Governor's Island, did they not center on—or raise any level of expectation about how broad this amnesty might be?

Are we talking about acts committed only during the coup, for a period of time after the coup, only of a political nature? I can keep defining this 50 different ways if I think it is going to be productive.

Ambassador PEZZULLO. You are doing very well.

Mr. TORRICELLI. So far I don't have anything. I am not doing well at all.

Ambassador PEZZULLO. The fact of the matter is, this particular issue was not one of the central issues of discussion. It was just accepted as something that had to be done, the details of which were not discussed at Governor's Island in any length at all.

Mr. TORRICELLI. Let me ask you then, having failed on that, about the international force, what can you now tell us about the size and composition of a potential international force?

Ambassador PEZZULLO. Well, let me break it down into portions because I think it has gotten confused in the public mind. What we are talking about on the police side, for example, is a force that would go in and—force is probably the wrong designation of it, but personnel that would go in, civilian policemen from countries that would supply them, who would go in and work side-by-side with current units for a period of time, maybe a year, maybe a year-and-a-half, in the role of training, accompanying and monitoring the activities of those police.

Separately there would be the beginning of the new civilian police force, which would begin almost simultaneously, but as a much longer program that will take 3, 4, 5 years depending upon how quickly they can put it together. So that is the police side.

On the military side, what is being contemplated is the entry into a—first, a battalion of engineers basically. These would be people, CB's and similar units from other countries, that would be working on barracks, rehabilitating dispensaries which are in bad shape, beginning the training of some of the local military into the role we hope they will assume, which is basically an engineer type civic action role.

Mr. TORRICELLI. But it is accepted from Governor's Island discussions that the military will be removed from all civil police authorities? Is that accepted?

Ambassador PEZZULLO. You are going to develop a new civilian police force.

Mr. TORRICELLI. Yes, to assume this new role. So the traditional military establishment will be permanently out of the business—

Ambassador PEZZULLO. Correct.

Mr. TORRICELLI [continuing]. of exercising police powers?

Ambassador PEZZULLO. Correct. Correct.

Mr. TORRICELLI. Now, this new force that is going to train will also accompany on patrol police units in this interim period?

Ambassador PEZZULLO. Just understand, the day the new government, the new constitutional government declares and gets a law through parliament creating this new civilian police force and appoints its own police chief, you will still have on the ground what you have now, namely some military performing police functions and some military performing military functions.

That transition into this new police force, the details of which still have to be worked out, will eventually give you over time a civilian police force under the ministry of justice, a much reduced military because the military now is in large part performing police functions, and something occurring to the personnel currently doing either police or military functions.

Some of them, if they have the qualifications, can be absorbed in either of the two units.

Mr. TORRICELLI. I assume some of the current military personnel will end up being in the new police force.

Ambassador PEZZULLO. If they show the qualifications, certainly.

Mr. TORRICELLI. Now, is 500 still an accurate number of how many international trainers, accompaniers there are likely to be?

Ambassador PEZZULLO. On the police side?

Mr. TORRICELLI. Yes.

Ambassador PEZZULLO. That is the figure it may yet be difficult to get to.

Mr. TORRICELLI. Will there be Americans?

Ambassador PEZZULLO. There will be very few Americans. There will be mostly I think Canadians and French and other French-speaking countries.

Mr. TORRICELLI. So you are putting a premium on people who are French speaking?

Ambassador PEZZULLO. Yes.

Mr. TORRICELLI. We can donate Mr. Oberstar. They got 499 to go. Mr. Smith.

Mr. SMITH. Thank you very much, Mr. Chairman and Mr. Ambassador, I want to join the Chairman congratulating you on your tenacity and skill in helping to bring about this very favorable conclusion.

A couple of questions I would like to pose to you. Upon his return to Haiti, General Cedras reportedly stated on Haitian television, "I have not accepted and will not accept that one single member of the Army be removed."

Have you been able to get an assessment of how the Army over these next few weeks and months will accept this accord. Was the General speaking without question on behalf of that element?

We all recall that one of the justifications offered at the time of the coup was that President Aristide was, "Meddling in the affairs of the military."

Does he speak for them?

Ambassador PEZZULLO. Well, I think the quote may refer more to his concerns about military cohesion during this period. I think it is fair to say that the military that came to Governor's Island still had divisions within it, and it mirrored the divisions back home, and those divisions ultimately were abridged, and they agreed to an accord which makes them, if everything works as we hope it will, dependent upon or dependent to civilian authority.

They will have a different position than they have now. That issue is probably the one he was addressing when he went back. Ultimately they will have to accept this and that is why the international community wants to accompany this process. That is why the military development programs.

There is no great love on the part of any country to get into military professionalization programs anywhere. It is not a popular kind of program, and you know certainly if we came up on the Hill for money, there aren't going to be too much money for spending advocates on military professionalization.

In this case, it is an urgency because the military in Haiti have been playing a role which is not a military role. It is basically a political role, and the idea is to get them to start seeing a military role, which is basically compatible with what Haiti needs, which is a military that is doing civic action, engineering kind of work, not meddling in politics, and loyal to civilian authority.

We are in the transition period and people will posture during transitions simply to protect their own flanks, but we will see. Our conviction is he will be loyal to the accords and some of the other statements he made.

I read one just this morning, was very positive. He talked about reconciliation, he talked about the need to move forward and be loyal to what they have signed, and we will hold them to his word and his actions.

Mr. SMITH. What is the assessment of the administration as to how the 7,000 member military could shrink? What would you consider to be a credible number for the size of the military?

Ambassador PEZZULLO. Well, the 7,000, as I think I mentioned before, are really, when you look at it carefully, you probably have 5,000 doing police work, what we would call police work, and 2,000 doing military work.

Now, if you build a police force, which is what is contemplated, which will be maybe 5,000 or 6,000 civilian police under the ministry of justice, that leaves you with a force of maybe 2,000 or thereabouts that might be constituted into a new military, and the new military that in very general terms has been discussed would be a military that I basically, as I say, has civic action engineering capability, some border patrol, some search and rescue capability and disaster capability and some sea patrol.

Mr. SMITH. A national guard is what you are saying?

Ambassador PEZZULLO. Very close to a national guard and a border patrol, and that could be much reduced, somewhere in the vicinity of 1,500 to 2,000 people, but that issue, Mr. Congressman, is not an issue the international community is either in a position to take or wants to take.

I mean ultimately the President, the members of his general staff, and the people who will determine where priorities go, which is what government is all about, will have to determine how much they want to spend for military and how much they can afford as a country and how much they can afford for the police force.

So these become budgetary issues that will be worked out, hopefully in a setting where the military see themselves as subordinate to civilian authority.

Mr. SMITH. Mr. Ambassador, you have testified that the administration is planning some quick disbursing technology, high impact generation and job creation possibilities. Infrastructure is what you focus on.

Are there any numbers as to how much financial commitment this might entail? Would that commitment be part of the programmed money?

Ambassador PEZZULLO. That is part of this \$37.5 million, but let me have David Cohen touch on some of the details.

Mr. SMITH. Could you identify yourself, please?

Mr. COHEN. I could. I am David Cohen, director of the AID mission in Port-au-Prince, Haiti. Essentially we have a four-part program that at its maximum over a period of 1 year, will employ approximately 163,000 people on an average of 60 days apiece.

Most of that will happen through Haitian nongovernmental organizations and U.S. private and voluntary organizations. The largest element would be under the Pan American Development Foundation. These would be very labor intensive things.

Our target would be to have 70 percent of the cost of any project be the labor that goes into it. It would be mostly in refurbishing economic infrastructure, filling potholes, cleaning irrigation and drainage canals, stopping erosion along river banks and roads.

A late part of the program that would be financed from local currency generations that would come from a P.L. 480 program. This would probably go through the Government of Haiti's ministry of public works for similar kind of projects that the reestablished constitutional government itself would conduct, perhaps in some part, through contacts with Haiti's private sector.

Mr. SMITH. In an effort to refocusing the military's agenda toward working of projects, is that money available for some of that 7,000 member force to reconstruct the infrastructure and—

Mr. COHEN. No. That would be just as I spoke. The military civic action would be something separate.

Mr. SMITH. That would be separate, OK. I had some additional questions, since there are many members here, that I would submit for the record.

In closing I would just like to say that there is somewhat of a remarkable sameness and consistency with both the Bush and the Clinton administrations approaches. I remember again when President Aristide was ousted, he was immediately embraced by President Bush and both the Members of the House and the Senate, Democrat and Republican.

There was a sense that this coup cannot be permitted to remain in place, that there needed to be consistent and comprehensive pressure to bring back democracy to Haiti, and even when temporary protective status was raised—the controversy that that entailed—Mr. Clinton borrowed the policy of Mr. Bush.

As a matter of fact, I know that is a sore point with many members who have followed Haiti. In your view, now looking back at the Governors Island Accord, was it at all helpful that that policy was implemented by Mr. Clinton, or did it have no influence?

Ambassador PEZZULLO. You mean the refugee policy?

Mr. SMITH. The refugee policy, exactly.

Ambassador PEZZULLO. It didn't influence me, but—

Mr. SMITH. No. I meant did it influence the outcome of the Accord? Some suggested that if the magnet had remained in place, the agreement would not have come to fruition. It is speculation of course, but I would appreciate your measured judgment.

Ambassador PEZZULLO. Well, you know, the group that was the toughest getting to the table were the military.

Mr. SMITH. Right.

Ambassador PEZZULLO. And actually the refugee issue was not affecting them. So I don't see it as an issue that was driving this at all.

Mr. SMITH. Thank you.

Mr. TORRICELLI. Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman.

Ambassador, let me join first with the Chairman and congratulate you. This is a business in which we are quick to criticize and slow to recognize the efforts of people who do extraordinary things and certainly an agreement that hopefully lives up to its expectations will be an extraordinary accomplishment.

In your opinion, would you say that it is fair to say that the ultimate increments of the sanctions and the embargo brought the military coup leaders to the negotiating table?

Ambassador PEZZULLO. They brought the military to the negotiating table. I don't think there is any question.

Mr. MENENDEZ. And in that respect, I noticed in Mr. Rangel's prepared statement that he said—he referenced that for more than 15 months, our—referring to the United States, “half-hearted policy of supporting an OAS embargo, failed to persuade even our allies in Latin America, Africa and Europe from shipping embargoed oil and other goods to Haiti.”

In fact, we ourselves had created the largest single hole in the embargo by exempting goods assembled in Haiti from American companies.

Could we have acted? Had we acted more decisively earlier on, could we have reached the same conclusions that we reached today had we acted more decisively in being more supportive of the stronger sanctions and embargoes that ultimately brought the coup leaders to the negotiating table?

Ambassador PEZZULLO. I really don't know the answer to that. Sometimes circumstances have to reach a certain maturity. I think the original sanctions were seen as a means of bringing a conclusion.

You recall there were OAS negotiations conducted by the OAS for some time which reached some level of agreement but never to a point as far as we have come. I just don't know.

Sanctions, as you know, are a blunt instrument. We talk about them quite often as if they are a—you know, a scalpel. They aren't. They are a bludgeon, and once you use them, the psychological effect is as important, sometime, as the effect on the ground.

Unquestionably the OAS sanctions which were slow to take effect, had a lasting effect and had an effect on what we did later on. In other words, you were building on a country that already had sanctions in place and already were starting to feel that, and the added pressure brought it to a point where you could move forward.

So in terms of the history of it all, I don't know how you can answer that other than to say I think efforts were made to deal with the problem early. I think the Congressman is right. This was not something the United States turned its back on by the other administration.

Sometimes issues have to reach a point where you really can deal with them, and within the timeframe of what we are talking about, even though it seemed very long for the Aristide camp and I can understand that, he has mentioned it to me, in historic terms, what has happened here is a very short period of time in terms of the transformation of a country that has been overthrown and taken over by a military.

If you had Chileans or Argentinians sitting here, they would make that clear to you. This is a very short timeframe and if we bring it off, it will be an historic event.

Mr. MENENDEZ. What do you see as the key points in the agreement that could be—that could create difficulties in terms whether of it might break down—what then do you see as our recourses in terms of getting it back on track?

And in giving us that response, could you refer some—I forget who here, whether it was some of the former panelists or someone else who suggested that—or maybe Mr. Smith asked the question of raising the sanctions earlier, what do you think about that in the context of making sure that this agreement ultimately is lived up to?

Ambassador PEZZULLO. Well, I think the crucial issue, quite apart from the steps and where you might stumble along, is how much, to use a word, how much reconciliation is built into this mechanism.

As I tried to say in my last point, the international community can do an awful lot, and I think it has done an awful lot, but reconciliation has to be a national phenomena. Leadership there has to say, this is the time for Haitians to work together. No matter what the past, whatever happened, some means has to be found to bring national reconciliation.

With that, none of these issues become problematic.

If you don't have that, then each one of these become trials. Every move from one step to another, every change of leadership, or the entry into force of a new prime minister who is not seen by the Haitian people as the leader of the country, no matter what his position is officially, if he is not seen as that and he doesn't represent a new stage in Haitian history, is going to be problematic, and societies have great ways of eroding these things simply by inertia.

Not a major step, but it is not one of the more difficult steps, but it is a reality. That prime minister has to take office and start to show results and people have to say hurrah, a new age is born.

If they don't feel that, then you are going to get negative reaction about, have we done anything really creative for the country. And that, as I say, is one of the lesser of the danger points. I think the real danger points become some of the changes in the military command, whether the military command at that point and the military in general sense that the institution, as they would put it, still will survive, and that has to be nurtured and they have to have

a sense that even though the commanders will go, that there will be a career in the military for some of them, those who want to be loyal to an institution responsive to civilian authority.

If they feel that and it is nurtured, as I say, through the reconciliation within the society, that will pass without problem. If there is a fear, which is the very thing we were concerned about, this fear level, then you have got a problem in the making.

So as I said at the beginning of this statement, I think reconciliation is at the core of it. We can do our part, we can talk the words, but the Haitian society has to begin living the concept and the leaders in Haiti have to make a decided effort to make this a reality.

Then these things can happen with a limited amount of problem.

Mr. MENENDEZ. Thank you.

Mr. TORRICELLI. Mr. Oberstar.

Mr. OBERSTAR. Thank you, Mr. Chairman. Mr. Ambassador, [speaking French]. You were a loaded mule, in the Haitian expression, and you carried off your burden very well, exceedingly well.

Mr. TORRICELLI. I hope it has a better image in French than it does in English.

Mr. OBERSTAR. It means he is carrying a very strong, people are carrying a very heavy load. But my sense of this agreement is that without military presence and an international force, you have arranged a shotgun marriage, and without military presence keeping both sides from each other, protecting them from each other, it isn't going to work.

Ambassador PEZZULLO. Well, if it is a marriage where neither party wants to consummate, you are right, but I would disagree with you that it is going to be whatever you want to call it, a military presence or a police presence alone that is going to make this thing work.

I mean, you know the society, Mr. Congressman, better than I do, and you know how quickly people in a society like that where reality is very often mixed up with other senses of what is going on, where if the confidence level isn't in the direction of it is going to work, it won't work.

And I don't want to make allusions to other areas, but you know how quickly forces that come in for one purpose, suddenly you are seen as the enemy. It is a very dangerous reality. Since you talk about shotgun weddings, you know yourself that in disputes between husband and wife, sometimes the interloper who comes in and tries to help becomes the target of the ire of both sides.

You don't want that to happen. That is why we put a lot of—I put a lot of stake on the Haitians having to make this work, because otherwise it is going to be seen as something we can deliver like a loaf of bread or something, and that is a terribly mistaken notion.

They really have got to take responsibility for this.

Mr. OBERSTAR. I agree with you, but to make it work at the outset, there has got to be an international presence.

Ambassador PEZZULLO. I agree with you. I agree with you.

Mr. OBERSTAR. Thank you. That is all I have.

Mr. TORRICELLI. Mr. Ambassador, we are going to have to suspend for a few moments. If you forgive us, we will be back promptly. The committee is in recess.

[Recess.]

Mr. TORRICELLI. Committee will come to order. Ms. McKinney, please.

Ms. MCKINNEY. Thank you, Mr. Chairman.

Mr. Ambassador, you know that I have a very strong interest in the process of national reconciliation, and again, tend myself to assist in whatever way I might be able to in helping the two Haitis become a unified country.

I have a couple of questions—actually I have a lot of questions. You know that one of my concerns also is in making sure that those people who participated in the coup and who led the coup are not the recipients of U.S. assistance.

So I would like to know what are the assurances that we have that will not take place according to this agreement.

Ambassador PEZZULLO. Well, let me just define and David can help me in pinpointing a little bit more our assistance.

We, as I mentioned before, we have asked for \$37.5 million to be reprogrammed. \$10 million going to the international—I mean the international commission—civilian mission, which is the human rights monitoring organization, that is \$10 million; \$4 million will go to a program which begins the creation of a ministry of justice. It is the \$12.5 million—is this right, David, goes to arrears clearance and to these early development and job creation programs.

Mr. COHEN. I believe it is about \$12 million.

Ambassador PEZZULLO. Twelve million dollars. If I am not mistaken, \$2.4 million is for the military program which is the Seabees and the beginning of the military training. This is all by the way 1993 money, that doesn't add up to \$37 million. Four million for police training. Does that add up to \$37.5 million? It should—wait a second. I have got it. Here we go.

Ten million dollars for the ICM, the International Civilian Mission; \$1.75 which will be for arrears clearance and stabilization programs, including these job creation programs. Three million dollars for the administration of justice, \$4 million to begin the police creation program, and then \$2.4—\$2.4 million on the military. That is it.

So the \$10 million goes to the ICM. It has nothing to do with people in the administration. The arrears clearance certainly doesn't have anything to do with them. Job creation won't have anything to do with them. The administration of justice has nothing to do with them. The police creation program is a program whereby you will be recruiting policemen, candidates from wherever, conceivably also from the current police force or military/police force and other candidates who will be screened by the Haitian Government, by the new minister of justice and whatever group of people he puts around him to screen these people, and they will go into a police program.

The military professionalization program and the CB's, contract will be doing construction work, building some clinics and building some barracks. That is what their job is, and the military

professionalization program will begin to put in place the procedures to do the military professionalization.

A lot of the early stuff will be putting in language labs and that type thing, and they will be dealing with the young soldiers in the military.

Now, if within the new government as it comes in, there is a movement to deal with those people they feel deserve some processing because of acts they committed, that would be something they would do. Naturally they would either be out of the military or be put into separate classes that we would not be dealing with. But we have no interest in doing anything but what I mentioned here.

Ms. MCKINNEY. So did I hear you correctly that there will be screening of the individuals who will participate in both military and the police programs to make sure that those individuals did not participate in human rights abuses?

Ambassador PEZZULLO. I said that the people who would be selected for candidacy in the new police would be screened by the Haitians, by the new Haitian Government.

I assume in the screening they would be sensitive to just what you are talking about. The people in the military who are guilty of abuses, I would assume, would either fall under some justice provision or be granted amnesty by the Government of Haiti, the new Government of Haiti and that issue would be resolved as well.

Ms. MCKINNEY. In the agreement, there is a statement that says that the legislature might implement other instruments dealing with amnesty. Could you describe what that—what those other instruments might be?

Ambassador PEZZULLO. I think we went round and round with the Chairman on this one. Those were instruments that the legislature, the parliament of Haiti would have to determine.

Ms. MCKINNEY. Could you answer a question for me about the legitimacy of the parliament? Did you make reference to that earlier?

Ambassador PEZZULLO. No, but I will answer your question.

Ms. MCKINNEY. OK.

Ambassador PEZZULLO. What is the question?

Ms. MCKINNEY. Well, the question is, the present parliament, is that a legitimate parliament?

Ambassador PEZZULLO. Well, let me put it in context. On the 18th of January this year an election was held. It was considered illegitimate, illegal by the international community.

Those people took office because it was under a de facto regime. In New York last week, the pact that was signed by the parliamentarians and members of all the political parties dealt with that specific issue.

That is to say, how can you back the constitutional government dealing with these people who are elected illegally and the fact that you had two presidents of each chamber which isn't the normal.

That even is more complex than our Congress, two presidents of each chamber. So what was agreed to was that the parliamentarian—

Mr. TORRICELLI. It would be easy to get help for contempt of Congress before the committee.

Mr. SMITH. There is no penalty for that.

Mr. TORRICELLI. Go to the line.

Ambassador PEZZULLO. The parliamentarians, the senators elected in January 18 voluntarily agreed to step down and to not take part in any more parliamentary activity having to do either with the ratification of the new prime minister or any other parliamentary action subject to their case being studied by a reconciliation commission, which is part of the Constitution of Haiti, which is staffed primarily by people that will be selected by President Aristide.

So it is a precondition practically that that conciliation commission will find those legislators having been elected in an illegal election and that will end that episode. So that episode nicely was handled by the parliamentarians and the political parties in New York.

So it is no longer an issue. What is an issue now is the—are the rest of the parliamentarians who are legally organizing themselves to ratify a new prime minister as soon as the President selects one.

Ms. MCKINNEY. Who in the U.S. Government will be responsible for administering and overseeing the AID?

Ambassador PEZZULLO. Well, you know AID is a process that goes through several reviews and approvals. The actual implementer of the program is sitting right next to me. He runs the AID program in Port-au-Prince.

The development of the funding and so on is usually a Washington phenomena which people contribute to, but David here would be responsible for the programmatic content and the implementation of those programs.

Ms. MCKINNEY. And so who would be the appropriate person if we were interested in oversight of those activities for people?

Ambassador PEZZULLO. In Port-au-Prince it would be David. In Washington it would be the office that oversees the Haitian programs in AID.

Ms. MCKINNEY. OK. And can Congress receive specific notification when the U.S. money is about to be released for the specific programs?

Ambassador PEZZULLO. Well, let me tell you where we are in this issue. Since this was reprogrammed money, we put before the Congress some months ago a proposal signed by the President to allow the money to be used in Haiti because it came from other programs, and it was specified and broken down along the lines of the list I just gave you.

We asked Congress, because of the urgency of getting money for the ICM mission, that they proceed quickly in approving that. The rest of it is before the Congress right now for their approval. It sits on the—it sits in the Congress and if there are no objections, then the programs can go forward.

Then David gives me a note here that all programs are individual notified, in addition to what, David?

Mr. COHEN. In addition to the Section 614 determination which was the initial notification to the Congress.

Ambassador PEZZULLO. So Congress is informed of the program in addition to the original request for reprogramming and the ability to use these funds in Haiti. When we began this, you recall, this was a de facto country and the problem was to get waivers for ex-

penditure of any funds, and we were expending funds for the ICM mission during the de facto period.

The minute the new constitutional government comes in, then a great many of the restrictions drop off. But if you are interested, Ms. Congressman, in any of the information about AID, I think Mr. Cohen or people in AID would be glad to keep you fully informed.

Ms. MCKINNEY. Thank you.

Could you talk to me or tell me a little bit about the sanctions and the steps that will be taken should there be a need for reimposition of sanctions?

Ambassador PEZZULLO. The sanctions are of three natures. One group of the sanctions that were imposed by the OAS, as I mentioned, those were voluntary. They go back a ways, and then the second group of sanctions were imposed under the Security Council of the United Nations. Those sanctions differ somewhat, but all of them now are subject to the Governor's Island agreement.

The Governor's Island agreement specifies clearly that following the confirmation of the new prime minister and—by a legally constituted parliament, which is in transition now, and his assumption of office, suspension on the initiative of the National Security—Secretary General will occur, suspension of the sanctions.

Now, once that occurs, the sanctions are lifted and then they become overseen by the special envoy selected by both the OAS and the U.N. and you have in the papers I submitted a letter that he presented to the President, President Aristide following on the Governor's Island accord in which he talks about the issues that would be viewed by him and the concerns he would have relative to the completion of the accords by both sides.

Mr. PEZZULLO. And it is mentioned here that I shall report regularly to the two Secretaries General. OAS and U.N., for their part, will submit at least once a month their own reports to the appropriate political bodies of the two organizations. Their reports to Secretaries General will formulate all such recommendations as they deem necessary for insuring the comprehensive implementation of the agreement of Governors Island. So what you have is a suspension, which I mentioned earlier, is an unusual act to take.

Usually sanctions are either imposed or lifted. They are being suspended in this case, subject to performance by both parties in implementing the Governors Island agreement.

Ms. MCKINNEY. And what is the role of human rights violations in the determination whether sanctions should be lifted or reimposed?

Mr. PEZZULLO. Let me read the section on that. In terms of human rights, the arrangements already agreed upon with the two parties for the establishment and operation of the International Civilian Mission of the United Nations and the Organization of American States will remain in effect and will be fully and rapidly implemented.

The Executive Director of the International Civilian Mission will report on a regular basis to the special envoy. I shall include the substance of these reports in the reports that I myself submit at regular intervals.

I may add on this that the Director of the ICM is submitting a report which I will make available to the committee. I don't have

it. I thought I would have it today, but I will submit it for your reading which reports on the events that occurred between the time the Governors Island accord was signed and today. And you can receive those on an ongoing basis.

Ms. MCKINNEY. Well, that is good. We would hope to be able to do that. I do have some concern, though, about those intervening events and, in your opinion, would the continued existence of human rights violations that occur today be enough reason for the sanctions not to be lifted?

Mr. PEZZULLO. As I mentioned earlier, the ICM is an unusual organization. There is nothing comparable to the ICM anywhere in the world for monitoring on a daily basis the performance of various institutions and people in Haiti. Their reporting—which is very professional, and run by people who have good records, excellent records in this field—indicate that the level of violation has not increased. That doesn't mean that there aren't violations, but that does not increase. You do not have a record of upturns in the violation level.

They are very sensitive to the issue you are talking about. It is what they are there for. Now, there is a phenomenon here which professionals have to be very careful of that you don't take one incident and draw it out of context and make it sound more—either more violent than it would seem or give it importance which would stretch it. So the international ICM will be reporting, Dante Caputo as the overseer of this will be reporting to the Secretary General and assuring that human rights are obeyed or that their performance is increasingly improving.

Key to this, remember, is the entry into force of the new constitutional government. The new constitutional government, with its own Prime Minister with its capacity to begin legislating things and overseeing conditions becomes a very important new factor in this whole mix. The entry into the country of these police and military monitors, trainers, engineers is also an important thing. That is why we have been so eager to see these people get in early. So all of these are factors, here. Nothing should be seen isolated one from the other. But the minute these programs can begin, the police training, building up the administration of justice, getting police—international police to oversee the local police, you have—and the entry into force of the constitutional government, you have more and more control and guarantees that human rights abuses will not become flagrant.

Ms. MCKINNEY. I think I am finished for now, Mr. Chairman.

Mr. TORRICELLI. Mr. Smith.

Mr. SMITH. Thank you. Just one final followup question, Mr. Ambassador. How do you respond to the criticisms raised in reading over the testimonies? Ms. Werleigh, the Director of the Washington Office on Haiti points out there is the missing factor of accountability. Included in the Governors Island accord, of course, is the call for amnesty and yet America's Watch points out that this could be an opportunity to demonstrate the administration's commitment to accountability.

It seems that one is suggesting that at a date certain rule of law will prevail and there will be accountability. Yet, there is a sense expressed by Ms. Werleigh, and I am sure it is shared by others,

that perhaps many gross human rights abuses are now going to be overlooked—she suggests there is a double standard. We didn't ignore the Nazi atrocities and other atrocities. We had the Truth Commission and the reconciliation that went on in El Salvador which put aside those past wrongdoings, and now we are seeing it again here. I am raising these points to elicit your response.

Mr. PEZZULLO. Well, you can take this from different points of view.

Mr. SMITH. With respect to Governors Island, what if amnesty was not a part of the accord.

Mr. PEZZULLO. Governors Island and the fact that these two parties have come together to bring about a reconciliation and a return to constitutional government, I think, is such a dramatic event that it has to be kept as the key goal and the key accomplishment here. We were interested in, from the beginning, of returning to constitutional government because we as a people, our country to its great credit, takes that very seriously. We see that as necessary as a principle and that a President, duly elected by his people, should be returned to power. Those were the consuming issues. That problems have occurred that violence has occurred, that people have abused one another is not a matter of indifference to anybody, but the overriding concern was the return.

Now, that is the return through a process, and the process had to include the stepping down of the very people who perpetrated the overthrow. Historically, that hasn't happened. That has never happened.

Now, for that to happen there has to be an understanding of a matter of getting from here to there and we can all sit around and condemn violations, which are ugly. There is no defense for violations. There is the society that also has a great need to return to constitutional government. It is going to have to deal with those issues. The Haitians are going to have to deal with those issues, not Americas Watch, not the U.S. Government. The Haitians. I think we should at least be sensitive to that reality. They have to come together as a people.

If they feel that there is a means to do this by some amnesty decree, that is in their purview. And the international community is not dictating a thing here. The international community is simply saying we will accompany the process back. If means have to be taken to deal with certain elements, that is something you are going to have to be doing, your parliament, your Prime Minister, your people. So it is not a question of being indifferent to violations. Human rights and the concept of concern for human rights grew up in this society and this Congress, I remember back in the mid 1970's, was at the forefront of that. And I recall very much Congressman Fraser, in his subcommittee, looking very, very seriously at that issue and that precedent was followed through by the administration that came in after that that made human rights a major center. And I lived through some of the societies. I worked in as an ambassador on the human rights issue. I don't defer to anybody on human rights issues. I think I know them as well as anybody, but I do think rather than render judgment as to what other people should do about their societies to bring about reconcili-

ation, I would rather allow those people to do that. Others can have different opinions of that than my own.

Mr. SMITH. Thank you.

Mr. TORRICELLI. Ambassador, thank you for being with us today. We are very proud of the work that you have done. There is no way to know the number of people who will be spared suffering in the future that Haiti may have because of the work of the administration, Mr. Caputo and for your own efforts. Thank you for being with us today. It is a pleasure to work with you. I hope we can look forward to having you come back as we monitor the implementation of these agreements, whether we see whether they live up to all of our expectations.

Mr. PEZZULLO. Thank you. You have been very kind, all of you. Thank you.

Mr. TORRICELLI. We will now hear from the Honorable Michael Barnes. Mr. Barnes, welcome. We are very pleased to have you with us here today. President Aristide may or may not exercise good judgment in the choosing of a new Prime Minister. At least in this committee we believe he chose well in selecting his personal counsel and in that capacity, we are very glad to receive you today. Congratulate you on your work, your continued association with good causes and people and look forward to your testimony.

STATEMENT OF HON. MICHAEL D. BARNES, HOGAN & HARTSON, COUNSEL TO PRESIDENT JEAN-BERTRAND ARISTIDE

Mr. BARNES. Thank you very much, Mr. Chairman. It is a pleasure to be back with this subcommittee for the first time in a few years. And I am privileged to be here in my capacity as counsel to President Aristide of Haiti. I have prepared a written statement but I am not going to read it all, if you would be so kind as to put it into the record.

Mr. TORRICELLI. Without objection it will be entered into the record at this point.

Mr. BARNES. What I would like to do is touch on some of the major points that President Aristide has asked me to convey to you this afternoon on his behalf.

You will well recall that back on October 31 of 1991, this subcommittee met shortly after the coup in Haiti that exiled President Aristide, and at that hearing, Mr. Chairman, you observed that this coup raised a larger danger to democracy in our hemisphere. You concluded it was imperative that the Democratic community close ranks and respond as one to this international crisis.

Your remarks obviously were prophetic. During the almost 22 months that have passed since that hearing, we have seen military leaders challenge democracy in Venezuela, Peru, and, of course, just a few weeks ago in Guatemala. Unfortunately the international community really failed to act decisively on Haiti until just recently, and as a result your hope that the people of Haiti wouldn't have to endure this tragedy very long wasn't fulfilled.

A full 2 years will have passed from the day of that important hearing when President Aristide returns to his country on October 30, if he does, under the terms of the Governors Island accord.

Now, of course, as we have all been hearing this afternoon, there is finally hope for the 7 million people of Haiti because of the leadership of President Clinton and other international leaders who are committed to democracy. In these past few weeks real progress has been made toward the restoration of President Aristide to office. Without that leadership I am absolutely convinced we would not have witnessed the important action at the U.N. Security Council which forced the military government in Haiti, what I call the coup regime, to negotiate the return of democracy.

President Aristide has asked me once again to publicly thank President Clinton, Vice President Gore, Secretary Christopher, Ambassador Pezzullo and the many others in the administration who have worked tirelessly on this issue over the past months. President Aristide has already invited President Clinton to join him in Haiti to celebrate the return of democracy, and I know that if that happy day comes, it will be one of tremendous celebration for virtually all of the people of Haiti except perhaps that little tiny segment which now control the society, but hold the rest of the people under a repressive dictatorship.

President Aristide also has asked me to, again, thank the many Members of Congress in both parties, including the members of this subcommittee, who have supported the aspirations of the people of Haiti throughout this tragic period. So many have helped that it wouldn't be possible to list them all. I would just note that four Members of the House—Congressmen Conyers, Kennedy, Owens, and Rangel—actually took the time to join us up on Governors Island to show their support for democracy as we negotiated the difficult issues which resulted in the agreement which President Aristide signed on July 3.

Let me touch quickly on the U.S. Government role as we see it and how the United States can be most helpful during this tough few weeks ahead—few months between now and October 30. As a starting observation, it is essential, I believe, that the Aristide government, the elected Government of Haiti, retain control of this process, particularly of programs to aid and assist the military and the police. We believe that this will require a two-phased approach.

The first phase would involve the quick deployment of an international mission to ensure that law enforcement activities during this transition are conducted to prevent or minimize abuse of human rights and promote freedoms of assembly, association and speech so crucial to ensuring that this transition to democracy is real.

The second phase, the training of the police and the military we don't think should really begin until the President returns. It is equally important that the current command be isolated from planning until after the institutions are under civilian control and that those responsible for the worst abuses which have taken place since the coup have been identified and removed or excluded from participation.

I might just add parenthetically there has been some discussion this afternoon at the hearing about possible seeking of revenge or retribution or whatever. The international community has called for that. The OAS, as you know, in its resolutions has demanded prosecution of the people responsible for the coup and the human

rights violations that have occurred since the coup. That is not President Aristide's position. His is one of seeking reconciliation. We do want to see the leaders of the coup and those responsible for overseeing these human rights violations that have been perpetrated by the military removed from their positions in the command, but he has never sought their prosecution. He has never sought revenge against them. He has always opposed violence in any respect with regard to this. He is calling for a nonviolent solution to this crisis.

Any process proposed by the U.N., the OAS or the United States that excludes the civilian government and allows the current military and police command to plan this—these assistance programs, these training programs selecting the candidates for these programs or participating in the programs themselves, we believe, would run counter to the goal of reestablishing civilian control over these institutions.

Ultimately what will make democracy work in Haiti or any other country that has experienced these kinds of problems is civilian control over the military, and that principle is crucial to be effectuated during this transition between now and October 30.

Just briefly, there are three important things that we think the United States can do in support of the Governors Island accord. First, the United States has to make clear that these continued human rights abuses are inconsistent with the spirit of that accord and will, as the Congresswoman has suggested, trigger prompt re-imposition of sanctions.

As a first step, the United States should ensure that the Security Council resolution is conformed to the accords to incorporate a mechanism for reimposition before these sanctions are suspended. We all realize that the sanctions are being suspended to facilitate the political settlement and not because there has been any tangible progress on human rights.

As Ambassador Pezzullo said, maybe things aren't worse. He said things aren't worse. But the fact is that every human rights organization has found that the current Government of Haiti has a human rights record that is worse than the records of Papa Doc or Baby Doc and it is crucial that that be understood as we look at the lifting or the suspension of the sanctions.

Secondly, the United States ought to work with the U.N.

Mr. TORRICELLI. It is your testimony that you believe the human rights record, as it has continued to this date, is worse than that previously experienced.

Mr. BARNES. That is not only our view, but tragically it is the view of all the human rights observers that have looked at the situation, and it continues, as you know, to this day. Last week, people were shot and beaten by Haitian military because they were demonstrating in support of democracy. While we were on Governors Island a church service where people held up photographs of President Aristide during church was invaded by the Army. Elderly people were beaten and that was televised, which was happening while we were negotiating with the army on Governors Island. So these are not academic issues that need to be monitored carefully throughout this process, and it has to be clear that if the sanctions

are suspended, they will immediately be reimposed if these kinds of things were to continue to take place.

We have to—just quickly, I know you have got to vote and you have got many other witnesses. The International Civilian Mission has not yet been fully deployed. That should be done immediately and the United States ought to push for that and provide the assistance that is necessary. That is the \$10 million dollars that Ambassador Pezzullo described. We ought to get that down quickly, and the coup regime has to honor commitments to the mission to permit them to move freely throughout the country, to have full and prompt access to detainees, to cooperate and facilitate in the mission's work. That isn't happening. They can't go into the jails to see the detainees.

They are not allowed vehicles to go around the country to do their jobs. So a lot needs to be done with respect—

Mr. TORRICELLI. To date there is still not access to detainees?

Mr. BARNES. That is correct. That is my understanding.

Mr. TORRICELLI. And there is no reason to believe this is going to be done until the change of government and there is no commitment to do so immediately.

Mr. BARNES. Clearly, the spirit of the accords was that human rights violations would cease as of the time of the signing of accords. Unfortunately that hasn't happened.

Mr. TORRICELLI. Specifically, with respect to access to detainees, not the broad question of recognizing human rights, is there a specific commitment to allow access to detainees?

Mr. BARNES. That was not mentioned in writing in the accords.

Mr. TORRICELLI. If that doesn't happen immediately, would you consider that a violation of the accords?

Mr. BARNES. Of course. Another thing we were told on Governors Island was that as of the signing of the accords President Aristide would be permitted to speak on national television and radio, which has not happened since the coup.

Mr. TORRICELLI. It happened at 3:00 in the morning.

Mr. BARNES. They did permit it after a week or 10 days of not permitting it, although we gave them a tape and said play it. I am just reminded that access to detainees is in the ICM terms of reference, the International Civilian Mission terms of reference to which the coup regime agreed, but they have not permitted it.

Mr. TORRICELLI. So by reference they are included in the agreement even though they have not happened.

Mr. BARNES. That is correct.

Mr. TORRICELLI. But it is still your testimony if they are not almost immediately given, the sanctions—

Mr. BARNES. The sanctions should stay in place.

Mr. TORRICELLI. What is more, it would be a clear violation of the accords.

Mr. BARNES. That is my view, yes, sir. And finally, no aid should be provided to Haiti except through the civilian government.

Mr. TORRICELLI. Is there a definitive list of those who are detained? Has that been provided?

Mr. BARNES. I doubt it. It has not been provided. I understand many of these people are held in secret. People disappear in Haiti still.

Mr. TORRICELLI. If that list is not provided, that also is clearly a violation of the accords.

Mr. BARNES. I would certainly regard it as such. The spirit of the accords was clearly that, and the commitment of the U.N. in the letter that is appended to Ambassador Pezzullo's testimony is that they will monitor these human rights violations and if there is a continued pattern of human rights violations the U.N. would either not support the suspension of sanctions or would reimpose them, and what I am suggesting is the U.S. Government has to stay on top of that and just make sure that that is the reality.

Mr. TORRICELLI. Suffice it to say, at least from my judgment, that if there is not almost immediately a definitive list of detainees and immediate access to them by families and human rights organizations, it is not only a violation of the spirit of the accords, but it would, I think, cause this government to look at it with extraordinary disfavor of the military officials in this transition period and whatever judgments we have to make in the future. This is something that does not need to wait.

It should be happening now, and it would already cause me to look upon with disfavor that there has been a delay. We should break on this vote, if you don't mind and when we return I know each of my colleagues have questions for you if you would remain at the table. The committee will recess briefly.

[Recess.]

Ms. MCKINNEY [presiding]. I guess I am supposed to gavel this meeting back to order, so I will, and would ask Mr. Barnes to continue.

Mr. BARNES. Well, thank you very much, Madam Chair. I would just make one final very brief point, but it follows up on the discussion we were having at the time you all had to go vote and that is that during this period—now a little over 3 months between now and October 30 when President Aristide is scheduled to return—it is crucial, we believe, that the world community do everything possible to demonstrate its support for the restoration of democracy by its presence, its physical presence in Haiti. The International Civilian Mission is crucial. It is deploying. We would like to see it fully deployed more quickly.

The police training group that has been described and discussed this afternoon, we hope will deploy very, very quickly, and the other elements from the U.N., but it is also important that trained, professional human rights monitors from all types of nongovernmental organizations and others get to Haiti as quickly as possible. We would like to see all of the human rights groups send missions down to Haiti. We would like to see the U.S. Congress send missions to Haiti. It would be, I think, just marvelous if there could be sort of rotating groups of Members of Congress that would run—you know, it is not very far to run down on weekends. During the August recess obviously, it might be possible for a group to go and stay a little longer and get out into the countryside and get around.

At the key moments when crucial things have to happen during this period it would be helpful to have Members of Congress there. For example, when the parliament is going to meet, that could be as soon as next week, to consider some of these important actions. It would be marvelous to have Members of the U.S. Congress there

with their colleagues, the members of the Haitian parliament, to show their support for this democratic transition.

We have also called on the OAS InterAmerican Commission on Human Rights to send its experts to Haiti immediately. We think a mission from the InterAmerican Commission on Human Rights could, again, provide an important element during this very delicate transition period. There is going to be a debate on that issue tomorrow at the OAS and we understand that the U.S. Government may not favor that. We hope the U.S. Government might reconsider its position on getting human rights experts into Haiti as quickly as possible, because we really believe the more that can get there, the sooner, the more likely it is that anyone who is considering violating the spirit of the accords or acting in any way to undermine this commitment to restore democracy would hesitate to do so if there is a large international presence on the ground from all kinds of groups and from the United States and from other countries in this hemisphere as well as Europe and elsewhere.

So President Aristide is calling on the world to try to help as it did at the time of his election and at the time of his inauguration, but unfortunately, the international community sort of left after that. They thought they had done their job, and perhaps the coup might have been avoided had the international community remained in Haiti and kept a human rights presence there. Thank you very much. I would be pleased to try to respond to any questions.

[The prepared statement of Mr. Barnes appears in the appendix.]

Ms. MCKINNEY. Mr. Smith, do you have any questions?

Mr. SMITH. Yes, I do. Thank you Madam Chairman. Michael, good to see you again and thank you for your testimony. I have a number of questions I would like to ask.

First, I have a great deal of concern knowing that the President, when he steps foot in Haiti, will certainly be in some peril. We all know with our own Presidents that the protection of the President is a very, very professional duty. Knowing that one cannot really count on the Army, as it is currently configured, for any protection, what arrangements are being made for secret service-type protection? Is the international community, and the United States looking into configuring such a group, perhaps made up of experts in that field? The last thing we want is a mishap.

Mr. BARNES. Well, that is absolutely right and it is of major concern to all of us. Yes. The answer is, yes. The U.S. Government has been looking at that issue and, in fact, during one of the breaks earlier this afternoon I was talking to Ambassador Pezzullo about it, and other countries have been asked to help with this as well.

I certainly wouldn't want to see President Aristide go back until we are absolutely confident that his security can be assured, and we need to move quickly on that because we don't want that to be an excuse, because the people who oppose his return, those who oppose democracy, will be looking for any excuse. They might say, well, it is not safe, so you will have to wait another 6 months. We can't allow that to happen.

I must say I am also concerned about the safety of the people he is being asked to appoint to office to serve during this interim period. He is being called upon to nominate a Prime Minister and

form a government of ministers of the various cabinet departments in the government, and I am concerned about those people. And that is one of the reasons we need to expedite the deployment in the country of this international presence which I have just been talking about.

Some of these people—theoretically it could be beginning to work down there as soon as next week or the week after or whatever so we are talking about a very short timeframe—and I don't know about you, Congressman Smith, but I believe that the person who volunteers to be President Aristide's Prime Minister will be a courageous individual under these circumstances.

Mr. SMITH. At this point, they may not need protection, but, again, if we want this to work, obviously both sides of the equation, need to be addressed. Though probably the respect level is probably not all that high because of human rights abuses, there are certain army officials who must have protection. If something were to happen to them, it could lead to an unraveling of the situation.

Mr. BARNES. That is correct.

Mr. SMITH. Hopefully that will be kept in mind by all parties. Again, if this transition is to have a shot at succeeding, any point which has the potential of going awry must be mitigated, it seems to me.

Do you have any sense of what will happen when General Cedras steps down? Will he go into asylum or move to another country?

Mr. BARNES. That will be his decision. Under the agreement he will leave the military. He has not indicated where he will live after he leaves the military.

Mr. SMITH. In his article in Atlantic Monthly, Lawrence Harrison makes the point which, I think, ought to be raised, in a hearing like this. We need some predictability and assurances regarding Aristide's return. Though I have high regards for Aristide and was one of those calling for his return, Mr. Harrison reminds us that, in a speech 2 days before the coup, Aristide strongly implied that Cedras should be necklaced. That could be erroneous; that could be accurate.

Could you respond to that again? For reconciliation to occur, a sense of nonviolence and nonretribution has to be paramount. We all agree that violence does not solve anything.

Mr. BARNES. President Aristide has never suggested that anybody should be necklaced. The man is a priest who is nonviolent both in his personal nature and in his statements and hopes for the Haitian people. The speech that he sought to have broadcast on Haitian national television and radio over the last week is a call for a reconciliation and peaceful transition to democracy. That has been his call ever since the coup. I am sure you have heard him say this—because in virtually every speech he gives he talks about Haiti being a broken glass. He says that we have to pick up all the pieces of broken glass and put them back together into the beautiful mosaic of Haiti.

He is seeking to unite the country not divide it up. On Governors Island one of his Haitian advisor's who was there was telling me a story which I think is relevant to this of having run into a member of the Haitian elite who hates everything President Aristide stands for; his desire to see the people of the masses of the country

have better lives, and desire to impose terrible things like income taxes and customs duties on the wealthy elite who have never had to pay any of these things in their history and these were, of course, important reasons for the coup. But this man was telling me that he had run into this individual who started in a vicious way saying that Aristide was a terrible person who ought to be killed. And he said that he subsequently saw President Aristide and told Aristide the story about this, what this person had said. And President Aristide's response was, "Well, we will just have to love him more." This is a man of nonviolence.

He has never for a second since the coup suggested any kind of violent response to what has happened despite the fact that his life was in jeopardy and had to be saved by the French Ambassador and the U.S. Ambassador on the night of that coup. General Cedras had a pistol to his head. Aristide has never for a moment suggested there should be any violent response or revenge or retribution. As I said, the OAS has called for prosecuting these people. President Aristide has signed an agreement that allows them—allows General Cedras to retire from the army and the other members of the high command to be—to either leave the army or go to foreign posts. These are not the positions that would be taken by anyone who favors a violent response to this.

Mr. SMITH. Understood. I appreciate your elaborating on that. So, it is your view that these quotes which were recorded prior to the exile are in error.

Mr. BARNES. Yes.

Mr. SMITH. Thank you. One other concern raised by some critics is that Aristide had difficulty dealing with the parliament. Is it your understanding that those days are over?

Mr. BARNES. Well, I am sure—There are difficult days with the Congress. We have a real problem.

Mr. SMITH. Bush had his days, too.

Mr. BARNES. And that is that there are at present two parliaments. There is the legally elected parliament, elected at the time President Aristide was elected, and then there is the parliament elected during the period since the coup, which is controlled by people who respond to the military and supporters of the military. And that has to be worked out before President Aristide can nominate his Prime Minister. He can't—because under the Haitian constitution he is required to consult with the President of the senate and the President of the chamber of deputies before he submits his nomination of Prime Minister to the parliament.

Well, as Ambassador Pezzullo said earlier, at the moment you have two Presidents for each of these chambers and until the parliament resolves these issues—which could be this week, they may meet as soon as tomorrow or the next day to resolve these issues—President Aristide can't consult with the leadership and therefore submit his nominee.

If the legal parliament is reinstituted, we have every reason to believe that given the normal difficulties of executive and legislative differences, that Aristide and his Prime Minister and government will be able to function appropriately.

Mr. SMITH. Finally let me thank you for your testimony. I share your concern that this transition will be a very, very difficult, and

potentially dangerous, time. Especially as you pointed out in your testimony, the number of these abuses has actually gone up. There may be a sense among the abusers that this is their last fling at abuse. Hopefully that can be mitigated by the enhanced international presence which is planned.

Mr. BARNES. In the last report from the International Civilian Mission while we were on Governors Island on July 2, they reported there had been an escalation. This was while we were there negotiating with the Army. There had been an escalation in human rights abuses and there had been numerous instances of such violations since the accord was signed, so this is a very real issue. We cannot assume that the people who perpetrated the coup and have run this military dictatorship for the last almost 22 months are all of a sudden in favor of democracy and democratic institutions. I think, unfortunately, we have to assume the opposite. And that is why it is crucial for the U.N. and the OAS and the United States and other governments and nongovernmental organizations to stay on top of this process over the next 3 months and 10 days or this process isn't going to work, because clearly there are a lot of people who don't want it to work and will try to find ways to make sure it doesn't.

Mr. SMITH. There might be a parallel with a war situation. Very often at the precise time that negotiations are on going, the fighting escalates. Fire fights increase, bombing raids increase. You make a good point. I, and I know Chairman Torricelli and others on the committee will do everything we can.

Mr. BARNES. The *New York Times* last week in an editorial suggested that the opponents of President Aristide might use this period to eliminate some of his supporters and some of the key people, so as you say, it is a very dangerous time.

Mr. SMITH. Thank you.

Ms. MCKINNEY. Mr. Barnes, Ambassador Pezzullo referred to a side letter. Do you have a copy of that letter?

Mr. BARNES. Yes.

Ms. MCKINNEY. I don't have that.

Mr. BARNES. I assume you are referring to the Caputo letter to the Secretary General.

Ms. MCKINNEY. Yes.

Mr. BARNES. Yes, I have a copy of that. This was a letter that we in essence requested to give further assurance as to the process for verification of the fulfillment of the Governors Island accords, and this was worked out in cooperation with us by Mr. Caputo and his team from the U.N. on Governors Island prior to the signing of the accord by President Aristide on July 3.

Ms. MCKINNEY. Could you submit a copy of that letter for the record.

Mr. BARNES. I think he said it was appended to his testimony. It is not. I guess he thought it was. Yes, we will get you a copy of that.

Are you referring to a letter from Caputo to President Aristide or are you referring to the letter that Ambassador Pezzullo was talking about.

Ms. MCKINNEY. The letter that Ambassador Pezzullo was talking about.

Mr. BARNES. He was talking about the Caputo letter.

Ms. MCKINNEY. That is correct.

Mr. BARNES. We will get a copy of that.

Ms. MCKINNEY. OK. I think that is all. Thank you very much.

Mr. BARNES. Thank you.

Ms. MCKINNEY. And will the members of panel number four please come up. Andrew Postal, Nina Shea, Kenneth Roth, and Claudette Werleigh. May I ask that each of you limit your opening statements to 5 minutes. Mr. Postal.

STATEMENT OF ANDREW POSTAL, PRESIDENT, JUDY BOND, INC.

Mr. POSTAL. Thank you. I will be happy to limit my comments at least. I am pleased to be able to appear here today to discuss Haiti. I am a U.S. businessman. My firm has factories in the United States, Haiti, and Costa Rica. We do business in Mexico and the Orient. I also serve as Chairman for the Haiti Task Force for Caribbean-Latin America Action and we have been intimately involved in the situation in Haiti since Duvalier left the country.

We have met with every single occupant of the Presidential palace from that point to now to discuss the continuing erosion of the private sector in Haiti.

We have prepared a prepared statement which I would like to submit for the record, and I won't bother to read it. I will make a couple of points relative to the situation in Haiti, perhaps on a different note than those that have preceded me.

The situation in Haiti prior to the embargo and prior to the Aristide government was severe to say the least. The economy post-Duvalier was in a state of free fall. The fundamental infrastructure for support of a private sector was lacking; corruption was rampant. The private sector existed notwithstanding the Government of Haiti not because of it.

The United States, consistent with its policy also in the hemisphere over the course of the mid 1980's, encouraged the engrafting of a democracy in Haiti, a country which lacked any experience with democracy, and one could argue lacked the fundamental tools with which to construct a democracy.

Democracy, I believe, failed in Haiti in large part because we put a form of government to a country and abandoned it. Without the support of the U.S. Government or any of the international community, it was a convenience. We put a government in there; we left it. It had no electorate experience with democracy. There were no institutions familiar with democracy. There was no infrastructure whatsoever, and it failed of its own weight.

While President Aristide was in power we had an opportunity to meet with him and discuss what could be done to revive the private sector in Haiti. It is the philosophy of our organization that democracy has as its bedrock a functioning private sector which is participatory and in which the people of a country have a chance to share. And absent that private sector, democracy will fail in Haiti as it will fail in any country.

Mr. POSTAL. While in power, President Aristide's government made some attempts at attacking corruption. I think they were successful on that score and they made some attempts at addressing

certain macroeconomic problems at the behest of certain international donor institutions.

There was relatively little done to deal with the fact that Haiti had gone from a country with a fairly vibrant assembly sector, which is, for those of you who don't know, the engine of growth in every country in the Central American and Caribbean region, to one that has none left today.

I think part of the reason for that failure was that he lacked around him agencies and institutions of government that could implement policy even if there was such a policy.

At the time of the coup, Haiti was the poorest nation in our hemisphere, not only in terms of wages and annual earnings, but in the magnitude of unemployment, lacking government infrastructure to support the private sector. A terrible state of disrepair of basic fundamental services arose, utilities, ports, and the like, and an inadequate health and education system.

In our judgment, the embargo was terribly poor public policy. It was doomed to failure from the get-go, at least the slow half-baked embargo we had for some 20 odd months. We met with the State Department at the time of its inception. We told them it was going to fail. We told them it was only going to enrich the wrong people and impoverish an already impoverished people further.

It was our recommendation at the time that if the U.S. Government wanted to do something about the situation in Haiti, then first it ought to consider intervention since you had 7,000 people holding 7 million people hostage, and until the fact of that situation was addressed, nothing was going to change very much.

The second position we took, if you are not going to go in, the least you could do is shut it down and do it quickly before any real devastation is done to an already poor country. That was not done. So that we now find ourselves with a total embargo on a country that has suffered a partial embargo for some 20 odd months.

From the private sector point of view, the last vestiges of the private sector of Haiti are rapidly being destroyed as we speak. The few remaining U.S. companies in the export sector in Haiti are on the verge of leaving, and if they go, you will get none to replace them.

No U.S. company answerable to boards, shareholders, banks and customers is going to go in and certainly not at the insistence of the U.S. Government with its record in Haiti.

So the question now is, what do we do at this juncture? Appended to my testimony we have listed some suggested things that could be considered, the partial or total lifting of tariffs from Haiti on an interim basis, coordinate banks to help modernize plants and equipment using international funds, public funds, public projects where building roads in Haiti is not going to build the private sector.

I would simply conclude, since I realize you have a very finite amount of time.

Ms. MCKINNEY. Yes.

Mr. POSTAL. I think the U.S. Government bears a particular responsibility in all of this. It is sort of textbook law that you have no obligation to help someone in trouble, but if you extend your

help, you take on a duty and you have a duty to act in a reasonable manner having taken on that responsibility.

I believe the U.S. Government has now become embroiled in the internal affairs of another country. The Haitians will tell you whether they agree or disagree with your policies that they feel they have been capitulating, not negotiating with the U.S. Government, and I think in the final analysis we must see this to the end.

You must help rebuild Haiti. You cannot simply engraft the government and walk away again.

Thank you.

Ms. MCKINNEY. Thank you, Mr. Postal.

[The prepared statement of Andrew Postal appears in the appendix.]

Ms. Shea, could you give us about 3 minutes of testimony before we have to go vote? OK.

STATEMENT OF MS. NINA SHEA, PRESIDENT, PUEBLA INSTITUTE

Ms. SHEA. OK, I will start and we will see how far I get.

Thank you, Madam Chairman, for inviting me here today. I am president of the Puebla Institute.

The current human rights situation in Haiti is best described as a generalized systematic repression by the armed forces of civil society. Sometimes this repression takes the form of summary executions, but most regularly is marked by arbitrary short-term detentions accompanied by beatings, often extremely brutal ones necessitating hospitalization.

I would like to give just two examples, although there are hundreds, that occurred recently at the hands of the notorious Anti-Gang Police in Port-au-Prince.

One occurred just 2 weeks ago on June 28 when police arrested and beat a political organizer in Cite Soleil and the International Civic Mission tried to see him. They were not only denied access, but they could hear his cries under torture. They were later able to verify that he sustained fractures in his forearms and wrists due to the police beatings.

Another severe case was—involved a prominent labor leader on April 23. He was the Secretary—he is the Secretary General of the CGT union and he also was arrested by Anti-Gang Police as he was driving his car in Port-au-Prince on his way to a radio interview, and he was kicked and beaten so brutally during detention that he required a kidney operation and now needs regular dialysis.

The U.N. Special Rapporteur on Haiti observed in his report of February 1993 that security forces have also engaged in so-called preventive repression, directed not so much at individuals but an entire community. A recent instance of this occurred on July 1st when military in La Savane aux Cayes indiscriminately beat and harassed the residence of a quarter for several hours after they—after some of them had participated in a demonstration.

Military repression is reinforced by pervasive corruption. Citizens are required to pay bribes, extortion fees and protection money, this abusive power sometimes referred to as traditional or endemic repression as distinguished from politically motivated reprisals.

A senior official of the International Civil Mission reported last week in mid-July that since their arrival in February, the human rights situation has been, "relatively calm, but with sporadic serious abuses."

They note, however, that this endemic or traditional repression continues and is a very serious problem.

A good example of that, this concerns the justice system, the so-called justice system, security officials, particularly section chiefs in the rural areas decide who is to be arrested, what punishment or fine the defendant is to pay or whether he is to live or die, remain in prison or be freed.

In his November 1992 report on Haiti, the U.N. Special Rapporteur wrote, "The situation has reached the point where the world corps must pay the security forces in order to avoid persecution, cruel treatment, or in the case of arbitrary detentions, to make their imprisonment more bearable or simply to obtain their release."

Freedom of assembly and expression is also very repressed at this point, and many examples demonstrate this, of police and army shooting into the crowds that are demonstrating in violation of an apparent rule that everyone must have prior military approval before nongovernmental groups can meet or demonstrate.

And on July 9, 1 week after the signing of the Governor's Island accord, General Cedras told the *Washington Post*, made it clear to the *Washington Post* that the military remains determined to avoid mass displaced support for President Aristide for the time being.

It is impossible to quantify the number of political executions or other human rights violations in Haiti. The government makes no systematic investigations and before the International Civil Mission arrived, no impartial professional and nationwide human rights group was undertaking the careful documentation that is needed.

Ascertaining the number of victims is complicated by high crime rates, massive displacement and immigration. In other cases, political murders go unreported for fear of reprisals or simply because in the rural areas there is no one to report to.

An International Civil Mission official recently stated it was difficult to determine what happens in Haiti also since both sides regularly alter the factual forensic account of events to suit their political needs at the moment.

Under Aristide, President Aristide, the number of infractions of human rights was lower but their tenor was the same. To use one of his own favorite metaphors, Aristide turned the tables. Instead of the religious-based communities, it was the hierarchy of the Catholic church with whom he has had longstanding differences that was persecuted.

Rather than left-wing activists, it was the right that was suppressed. Rather than the indigents, it was the elites who were terrorized. Under Aristide's style of repression, the socioeconomic pyramid was inverted. Because he was democratically elected, Aristide has become an international symbol of democracy, but he showed little interest in establishing a rule of law or abiding himself within constitutional restraints or respecting the independence of the legislature and the judiciary.

Though he set out to eliminate endemic or traditional human rights abuses, the U.N. Special Rapporteur observed that he was not successful in this.

[The prepared statement of Nina Shea appears in the appendix.]

Ms. MCKINNEY. Sorry, Ms. Shea, you took a little bit more than 3 minutes.

Mr. SMITH. Unfortunately, I have a CIA briefing at 5:45 and I understand you have—

Ms. MCKINNEY. I have got to go as well.

Mr. SMITH. I want to ask Mr. Roth one question. Maybe you can do this for the record. When I was asking Mr. Barnes a few questions, I was really quoting from your comments published in the *Atlantic Monthly* article by Larry Harrison with regards to necklacing, you cited Aristide as saying it is a "beautiful tool". I hope I am accurately describing what you had said.

For the record, was Mr. Barnes accurate when he said that Mr. Aristide had never called for violence? I think this is important. While I want reconciliation to occur there, we must realize that there are some things which need to be acknowledged up front so that they don't happen again when the presidency is returned.

Mr. ROTH. The quote that was in the *Atlantic Monthly* is a paraphrase of another quote which paraphrases a report that appeared to be at issue.

To sum up, there is no single killing that I am aware of that President Aristide called for. There were two speeches that he gave which we detail at length in this report. One just before the coup, really under the circumstances when he knew the coup was imminent. That has been widely cited.

Another occurred in early August of 1991 just after the trial of Roger Lafontant, and in that speech in particular, although no one was killed in that incident, there was an endorsement of, I think, the threat of violence and we have criticized him for that.

But I think it is important. Many people cite those speeches which he, since the coup, has clearly changed his policy and made it absolutely clear that he does not endorse political violence by any side. I think that is important to keep that in mind as Mr. Barnes said.

Second, whatever criticisms one has of his record as president, and there were some things he did wrong—there were many things he did right, including abolishing the very abusive section chiefs and attempting to impose some civilian authority over an army that historically had been responsible for very severe abuses, none of that comes close to the atrocities that have been committed since the coup.

And to pretend that some real errors that were made by President Aristide justifies the systematic killing, beating and arbitrary detention since the coup I think is a real abuse of human rights information, and while it is clear that simply returning President Aristide in and of itself is not going to be enough to reestablish meaningful democracy, we need to establish an end to the ongoing violations of human rights.

The answer to that is not sort of ignoring the elected wishes of the Haitian people, but it is rather avoiding an amnesty.

Unlike Ambassador Pezzullo here, the United States has been pressing for an amnesty for mass murderers. That is criminal. The United States has been fighting efforts to purge the Haitian army of those mass murderers before—we don't really want to rush in with aid, with training before a purge of the mass murderers take place.

And as Congresswoman McKinney alluded to during her questioning of Ambassador Pezzullo, that puts the United States in the embarrassing position of potentially funding these mass murderers. We should never be in that position and we should insist as a prerequisite for any of these well-intentioned aid programs going forward that the mass murderers be purged, if possible, prosecuted.

President Aristide has made clear that the Haitian judiciary isn't capable today of giving a fair trial. I agree with him, so prosecutions at this stage are a theoretical matter, but we shouldn't preclude the Haitian people on their own from resolving this difficult question.

It shouldn't be forced upon them under the barrel of the gun as will be the case right now unless the U.S. Government, the Clinton administration, stops pressuring for the blanket amnesty.

The Governor's Island agreement leaves open the question, talks about political crimes, such as crimes against the state, but it leaves open the issue of crimes against individuals, abuses like murder. Those under international law should be prosecuted. They should not be the subject of an amnesty and it should be U.S. policy to fight a blanket amnesty of that sort, not remain agnostic as Ambassador Pezzullo suggested the Clinton administration is being.

Mr. SMITH. Thank you.

Ms. MCKINNEY. Mr. Roth and Ms. Werleigh, may I ask that you submit your testimony, your printed testimony for the record, and perhaps maybe both of you could answer this one question. We are going to have to end early and I really sincerely apologize for that, but both of us are going to have to leave.

[The statements of Kenneth Roth and Claudette Werleigh follow:]

Ms. MCKINNEY. Is the human rights situation today worse than it was before the signing of the agreement at Governor's Island?

Mr. ROTH. It is hard to say today in that short a period of time whether it is better or worse, but I think when Ambassador Pezzullo was saying that the number of violations are not increasing, first of all, that is a debatable proposition.

One thing we have noticed is as the UN/OAS observers are there, Haitians are more willing to test their political freedoms and are regularly meeting suppression. So in sort of a perverse sense, things are worse, at least since the observers have been there.

Nonetheless, I think their presence is very important.

But even if they were just staying the same, this is an intolerable level of violence right now, and we should not be contemplating moving forward on the base of virtual eradication of any public manifestation of civil society.

There have been a very vibrant civil society in Haiti that has been wiped out because of the army's violence and we should insist that that stop. It is not simply a matter of opening up the prisons,

which is important and I welcome Chairman Torricelli's endorsement of that as a critical element of the court, but we should go a step further.

We should not treat democracy as having arrived in Haiti until there is a reemergence of the civil society, that is, until again people enjoy their freedom of expression and association.

Ms. MCKINNEY. Ms. Werleigh.

Ms. WERLEIGH. I endorse what has been said, you know, by Mr. Roth. I just want to add one thing. I have worked with the Haitian people during 19 years and I can tell you what is more important at this moment is that justice is done and until and unless justice is done, then there will be threat or possible threat of violence, you know?

If you want to end the violence, it is not just, you know, to have—ask people to stop being violent. I think justice has to be done.

And the second important thing is that the Haitian people should be allowed to participate really and freely, you know, in all the decisions. At this moment, there is not—there is no structure with the people actually working on the transition and the Haitian people and the organization. This is a very important issue.

Ms. MCKINNEY. May I ask—I would like to state that I believe each of the members of this committee is certainly willing and ready to work with you for—for the U.S. Government to weigh in and in an appropriate fashion for business development as well as economic development as well as human rights and political developments, and so I would ask that each of you would make yourselves available, particularly to my staff, because I want to see the right things done and I would like to see U.S. policy proceed in a fair and judicious way on this issue, and so please be ready to respond when we call, because we are listening and ready to move in the ways that you have suggested.

Thank you. Meeting adjourned.

[Whereupon, at 5:35 p.m., the subcommittee was adjourned.]

APPENDIX

OPENING STATEMENT HON. ROBERT G. TORRICELLI, CHAIRMAN SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS "HAITI: THE AGREEMENT OF GOVERNORS ISLAND AND ITS IMPLEMENTATION" JULY 21, 1993

The Subcommittee on Western Hemisphere Affairs will come to order.

We meet today to review the historic agreement between President Aristide and General Cedras to return President Aristide to power and restore constitutional government to Haiti.

If this agreement is honored, it will be the first time, to my knowledge, that a military coup was reversed through negotiation and the legitimate government returned to office peacefully.

Many share the credit for this achievement.

When the historic moment arrived, President Aristide and General Cedras had to determine that Haiti's interests required that they compromise and sign an agreement that both found imperfect. If the agreement is adhered to, history will honor both for their courage.

History will also show that the Haitian situation started down the road to resolution when President Clinton made it a priority, and when Secretary Christopher appointed Ambassador Lawrence Pezzullo as his special advisor on Haiti. Ambassador Pezzullo's skill and perseverance behind the scenes were, I believe, the key to success. We pay tribute to you, Mr. Ambassador, for your role in achieving this agreement.

And finally, the agreement could not have been achieved without the efforts of the special representative of the United Nations and the Organization of American States, Mr. Caputo, and the strong backing of the Secretaries General of those two organizations.

Now, as they saying goes, the hard part begins. Between now and October 30, the deadline for President Aristide's return, Haitians must come together and act in a way that will further the process.

A promising beginning was made last Friday, when Haitians meeting at the United Nations achieved an agreement that sets the stage for Parliament to play the role required of it to implement the agreement.

But much remains to be done.

President Aristide must soon appoint a Prime Minister acceptable to all parties.

The Parliament must approve the Prime Minister, an amnesty law, and a law establishing a new police force.

The de facto government must cease its repression, General Cedras must step down as scheduled, and the military must return to the barracks.

President Aristide must return to seek not vengeance, but conciliation. He must act to reduce the polarization that has characterized Haiti not only before and since his administration, but also during it.

And last but not least, the United States must remain engaged over the long term, and must transform its promises of aid into reality. If we lose interest after a year or two, move on to the next crisis, and forget about Haiti, then Haiti will lose this historic opportunity.

So we meet at a time of hope for Haiti, the first such time in many months. But everyone must contribute if this hope is to be realized.

STATEMENT BY

HON. CHARLES B. RANGEL

SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS

HAITI: THE AGREEMENT OF GOVERNORS ISLAND AND ITS
IMPLEMENTATION

July 21, 1993

Chairman Torricelli, I appreciate the opportunity to appear before your Subcommittee to comment on an issue that has taken much of my time and attention and that of many of my colleagues, including yourself, over the past 20 or more months, since the overthrow of President Jean-Bertrand Aristide of Haiti in September 1991.

I join thousands of my constituents and many others in the City of New York and elsewhere around the country who can now await with cautious optimism the scheduled October 30th return of President Aristide to his home capital in Port-au-Prince. Without the efforts of many of those citizens, not all of them Haitian Americans, who embraced the issue of Haiti, this day may not have come. We might instead be recounting our failure to restore the first democratically elected government of that 200 year old nation.

And to my colleagues in the House of Representatives, I wish to convey my great pride in belonging to a body which has taken to heart the admonition of our greatest leaders that we would not sit idly by while democracy was denied in our hemisphere, especially in so blatant a case as Haiti where this nation had monitored and endorsed the results of an election in 1990 that was an historic moment in the Americas.

Never before had a president of that country, the first modern Black nation in the world to win its independence, been elected freely and democratically. Equally important, President Aristide, unlike Haiti's previous rulers, was himself a man of the people. He was elected by a large majority that included most of that nation's poor and progressive citizens.

At this time, I would like to publicly convey my congratulations to President Bill Clinton, who demonstrated the calibre of leadership that had been lacking in the previous Administration, which served to rally the international community in the United Nations to get firmly behind the cause of the restoration of democratic government of Haiti.

I have not agreed with all of this Administration's actions with respect to Haiti, particularly its continuation of the policy of interdiction and repatriation of Haitian refugees at sea. It is a policy that was formulated more than ten years ago in cooperation with the brutal Duvalier regime, and while it has been affirmed by the Supreme Court, it remains patently unfair in its sole application against the poor, Black people of Haiti.

But the President's performance in resolving the political stalemate in Haiti was a one hundred degree turn from that of the previous Administration. For more than a year the previous Administration's actions with respect to President Aristide were diametrically opposed to the support that President Bush had forthrightly proclaimed immediately following the coup in September 1991.

Even while claiming support of the deposed President, how many time had I and other Members of Congress been pulled aside by representatives of the previous Administration who whispered contemptuous rumors about President Aristide, accusing him of all sorts of things: an unbalanced rabble-rouser at best, a murderer at worst.

It was no wonder that for more than 15 months, our half-hearted policy of support of an OAS embargo failed to persuade even our allies in Latin America, Africa and Europe from shipping embargoed oil and other goods to Haiti. In fact, we ourselves had created the largest single hole in the embargo by exempting goods assembled in Haiti for American companies.

Furthermore, we refused to impose the kind of sanctions that would affect the wealthiest people in Haiti, who had financed the coup and whose money kept it going. They were immune to the effects of a porous embargo, which inflated the prices of staple goods to the poor, while escaping the penalties that would have hurt them: freezing their assets worldwide, lifting their visas to travel to the U.S.

It was not until the election of President Clinton that things began to change. With his transition team working with the lame-duck Administration of President Bush, the OAS assembled and deployed a small contingent of OAS civilian observers. This group of fewer than 300 members may not have prevented many of the human rights violations committed by the military (which continue up to now) but they were a symbol of hope that something could be done. It proved to the Haitian people that they had not been abandoned by the international community.

The slow process of winning over the international community at the U.N. culminated in June with the vote by the Security Council to impose worldwide sanctions on oil and arms. The day before those sanctions were scheduled to take effect, the Haitian military high command agreed to come to the negotiating table.

The agreement signed on Governor's Island on July 3rd was an important achievement, for both the U.S. and the international community, in the defense of democracy in our hemisphere. But it is still too early to celebrate. And lest we waste the fruits of these labors, we must remain especially vigilant during the transition period, doubling our resolve in support of the United Nations and OAS initiatives.

While I can hardly wait for the moment on October 30, when President Aristide touches down in Port-au-Prince, I must caution that grave dangers still lie ahead. The next four months may well be the most perilous period in Haiti since the coup and its aftermath when more than 3,000 civilians were killed by the military. The transition cannot be completed without the exercise of civil liberties and an end to massive violations of human rights.

Therefore, I urge the President to press the OAS to rapidly complete the installation of its civilian observer mission and the U.N. to deploy an international police mission as soon as possible to ensure the physical safety of all parties and the creation of a new police force.

Equally important, and the agreement so stipulates, the international community must closely monitor the status of human rights, including free speech and assembly, for all political parties and civic associations. The Haitian people, who have paid for democracy with their lives, need proof that it will soon be delivered in full.

President Aristide, even prior to his actual return, can play a crucial role in calming the Haitian people. His regular "presence" over Haitian radio and television, serving as evidence of his imminent return, would go a long way in reducing the pressure for violent displays of anger and frustration.

To bolster all of this, the international embargo of oil and arms, which brought the Haitian military to the negotiating table, must be strictly enforced, not only at Haitian ports but across the Dominican border and the Miami River. In addition, we must continue the freeze of personal assets and restrictions on travel to the U.S. by supporters of the coup.

Perhaps most important of all, the U.S. government must not flag in its support of the agreement. We must do everything in our power to assure the Haitian people and the legally elected Parliament that we intend to stand by our commitments to them and to President Aristide.

We must be especially careful to ensure that the policy of the Administration is clearly understood and executed at all levels of our government, in Washington and in Haiti, so that the Haitian people--and the de facto government--will not be confused by mixed signals as they had been in the past.

Thankyou, Mr. Chairman.

TESTIMONY OF CONGRESSMAN MAJOR OWENS
BEFORE THE HOUSE SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS
JULY 21, 1993

MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE, WE ARE HERE TODAY TO TALK ABOUT THE GOVERNORS ISLAND AGREEMENT SIGNED IN NEW YORK EARLIER THIS MONTH BY PRESIDENT ARISTIDE AND GENERAL RAOUL CEDRAS.

THIS AGREEMENT HAS TEN POINTS. I AM PARTICULARLY CONCERNED ABOUT THE RESPONSIBILITY OF THE UNITED STATES, AS PART OF THE INTERNATIONAL COMMUNITY, IN SPECIFYING THE MEANING AND IMPLEMENTATION OF POINT TEN, WHICH CONCERNS VERIFYING THE OTHER NINE TERMS OF THE AGREEMENT.

I HAVE LONG-TERM CONCERNS ABOUT ONGOING HUMAN RIGHTS VIOLATIONS IN HAITI, AND HOW POINT TEN OF THE AGREEMENT WILL ADDRESS THE HUMAN RIGHTS CLIMATE IN HAITI DURING THE IMPLEMENTATION OF THE AGREEMENT, INCLUDING THE PERIOD OF TIME FOLLOWING POINT NINE OF THE AGREEMENT, THE RETURN OF PRESIDENT ARISTIDE ON OCTOBER 30TH OF THIS YEAR.

LET ME BEGIN BY STATING THAT I REPRESENT NEW YORK'S 11TH CONGRESSIONAL DISTRICT, AND SERVE AS CHAIR OF THE CONGRESSIONAL BLACK CAUCUS HAITI TASK FORCE. MY CONGRESSIONAL DISTRICT, CENTRAL BROOKLYN, IS HOME TO NEW YORK STATE'S SECOND LARGEST FOREIGN-BORN POPULATION. MY DISTRICT AND BROOKLYN ARE HOME TO THE SECOND LARGEST HAITIAN POPULATION IN THE UNITED STATES, AFTER MIAMI, FLORIDA. FOR YEARS I HAVE KEPT TRACK OF THE SITUATION IN HAITI. TODAY I WOULD LIKE TO INTRODUCE SEVERAL PERTINENT DOCUMENTS. THREE ARE FROM MY FILES FROM OCTOBER AND NOVEMBER, 1991, INCLUDING MY FLOOR STATEMENT OF OCTOBER 1, 1991, THE DAY FOLLOWING THE COUP; A

SHORT CHRONOLOGY OF EVENTS IN HAITI DURING THE WEEKS FOLLOWING THE COUP; AND MY TESTIMONY BEFORE THE HOUSE SUBCOMMITTEE ON INTERNATIONAL LAW, IMMIGRATION, AND REFUGEES ON NOVEMBER 20, 1991 CONCERNING U.S. POLICY REGARDING HAITIAN REFUGEES .

LET ME SAY THAT I HAVE BEEN ENCOURAGED BY PROGRESS IN OUR POLICY TOWARD HAITI MADE BY THE CLINTON ADMINISTRATION IN THE PAST WEEKS AND MONTHS, BUT I MUST EMPHASIZE THAT CONTINUED VIGILANCE AND TANGIBLE COMMITMENT ARE STILL REQUIRED OF THE ADMINISTRATION, CONGRESS, AND THE AMERICAN PUBLIC, TO ASSIST IN RESOLVING HAITI'S IMMEDIATE AND LONG-TERM CRISES.

THE FINAL PARAGRAPH OF THE GOVERNORS ISLAND AGREEMENT CALLS FOR COMPLETE COOPERATION BY ALL PARTIES TO ACHIEVE A DEMOCRATIC, STABLE SOCIETY IN WHICH ALL HAITIANS CAN LIVE IN A CLIMATE OF LIBERTY, JUSTICE, SECURITY AND RESPECT FOR HUMAN RIGHTS. HOWEVER, IT IS WELL-KNOWN AND WELL-DOCUMENTED THAT TO DATE, SUCH HAS NOT BEEN THE CASE. WE NEED A PLAN, WE NEED EVIDENCE AND HUMAN RIGHTS ENFORCEMENT, FOR MEASURABLE, CONCRETE AND SUSTAINED HUMAN RIGHTS IMPROVEMENTS IN HAITI. WITHOUT THIS FOUNDATION, THE ENTIRE GOVERNORS-ISLAND AGREEMENT IS HELD HOSTAGE BY THE REALITY OF AND POTENTIAL FOR FURTHER HUMAN RIGHTS ABUSES.

THE SUCCESS OF POINTS 2, 3, 4, AND 9 OF THE GOVERNORS ISLAND AGREEMENT HINGE UPON IMMEDIATE IMPROVEMENT IN THE ENFORCEMENT OF HUMAN RIGHTS IN HAITI. RIGHT NOW, EMPHASIS IS BEING PLACED UPON POINT 2 OF THE AGREEMENT, PRESIDENT ARISTIDE'S SELECTION OF A NEW PRIME MINISTER, HOWEVER IT SEEMS TO ME, BASED UPON RECENT HISTORY IN HAITI, THAT POINTS 7 AND 8 SHOULD BE ADDRESSED NOW, INSTEAD OF LATER.

POINT 7 REFERS IN PART TO PRESIDENT ARISTIDE'S NAMING OF A NEW POLICE COMMANDER IN CHIEF, AND POINT 8 REFERS TO THE RESIGNATION OF GENERAL CEDRAS, AND THE SELECTION OF A NEW COMMANDER IN CHIEF OF THE ARMED FORCES, AND A CONSTITUTIONAL SELECTION OF A NEW ARMY HIGH COMMAND. IT OCCURS TO ME THAT IN ORDER FOR A NEW PRIME MINISTER TO BEGIN TO CARRY OUT HIS OR HER OFFICIAL FUNCTIONS WITH CONFIDENCE AND FREE FROM FEAR OF INTIMIDATION, IN ORDER TO BEGIN TO RESTORE THE CONFIDENCE OF THE HAITIAN PEOPLE AND THE INTERNATIONAL COMMUNITY, POINTS 7 AND 8 NEED TO BE ADDRESSED NOW. IN ORDER TO UNDERSTAND THE IMPORTANCE OF POINTS 7 AND 8, WE SHOULD RECALL A HAITIAN PROVERB WHICH SAYS, "THE CONSTITUTION IS MADE OF PAPER, BUT THE BAYONET IS MADE OF STEEL."

FINALLY, WHILE I CANNOT SPEAK FOR THE HAITIAN PEOPLE OR THE HAITIAN GOVERNMENT REGARDING POINT 6 OF THE AGREEMENT, CONCERNING AN AMNESTY FOR PERPETRATORS OF CRIMES AGAINST THE HAITIAN PEOPLE, I HOPE ANY AMNESTY WILL BE STRICTLY DEFINED ACCORDING TO THE HAITIAN CONSTITUTION. I HOPE THAT THERE WILL BE ACCOUNTABILITY FOR THE EVENTS OF THE PAST TWO YEARS DURING THE PERIOD OF THE COUP.

Testimony of the Honorable E. Clay Shaw, Jr.

July 21, 1993

House Foreign Affairs

Subcommittee on Western Hemisphere Affairs

Haiti -- The Agreement of Governors Island

Mr. Chairman, I appreciate the opportunity to testify today about the prospects for the restoration of democracy in Haiti. I am encouraged by the chances for a return of democracy to Haiti, and I hope the Governor's Island Agreement will be an effective guide for reaching that goal.

Much depends on good faith on each side, and so far we can only hope that the agreement reached between President Aristide and General Cedras will be followed. History is not encouraging, however, as no Latin American President forced from office has ever been restored through a negotiated agreement. Nonetheless, this agreement represents more progress than we have seen in the past 22 months, and it deserves our support.

I believe we also need to start planning how to promote future economic development in Haiti. If Aristide is restored but no improvement is made in the economic status of most Haitians, democracy will not survive. Our long-term challenge is to promote development in Haiti that will ensure political stability, and I believe several options bear examination. First, prior to the September 1991 coup, Haiti participated in the Generalized System of Preferences (GSP). We should take steps to fully renew this status once democracy is restored. Second, Haiti should become a full partner in the Caribbean Basin Initiative, which along with participation in the GSP will expand trade and investment opportunities for companies in Haiti. The United States should make sure that Haiti has full access to Section 936 funds, intended for business development throughout the Caribbean region.

Given reports of near famine in Haiti today, other measures obviously will be needed. Even before the coup and resulting economic embargo, Haiti was the poorest country in our hemisphere, and business development there will not occur overnight. Taken together, however, these steps will assist in restoring some level of economic viability to Haiti. This rests on the restoration of democracy, but we must recognize that we cannot stop there.

Finally, a word about costs. If we fail to promote economic development in Haiti, the consequences will be stark for impoverished Haitians and also many communities in our country. For example, more than 43,000 Haitians have fled since the coup, and more than 10,000 have entered the United States. The majority have remained in Florida, including many of the about 200 with AIDS. If democratic rule is subverted by persistent poverty in Haiti, those numbers -- and the resulting costs to American taxpayers -- could multiply in a future immigration crisis.

Statement by Rep. Joseph P. Kennedy II
 Subcommittee on Western Hemisphere Affairs
 July 21, 1993

I want to thank Chairman Torricelli for having me testify today. This Committee's close attention to developments in Haiti will be crucial if we are to see a restoration of democracy in that country.

I had the privilege of attending the inauguration of President Jean-Bertrand Aristide in 1991. I saw the hopes of the Haitian people, who are laboring to secure the fruits of liberty and democracy, despite decades of foreign occupation and military dictatorship.

In my two visits to Governor's Island, during negotiations between President Aristide and General Cedras, I witnessed the serious resolve of President Aristide to find a just and lasting solution to the crisis in Haiti, but also the stiff resistance to change by the Haitian military.

Negotiations to achieve the Governor's Island agreement were difficult and the agreement itself is politically complicated. Ambassador Pezzullo and the U.N. negotiator Dante Caputo were tireless in their efforts. They should take satisfaction in their work to bring the parties together. But it would be a mistake for us to underestimate the difficulties that remain on the path to restoring democracy. Mr. Chairman, the hard part is still ahead of us. Rather than outlining the agreement, I want to focus on what is needed to ensure full implementation.

First, while sanctions are in place, enforcement must be tough. The U.S. should make it clear to the Dominican Republic that violations are unacceptable. We should exclude from U.S. ports any ship or aircraft that violates the sanctions. Sanctions will be suspended when President Aristide nominates a Prime Minister, and that Prime Minister takes office following confirmation by the Haitian parliament.

But history has shown that the Haitian military agrees to reforms and then backs away. If the Haitian military backs away, then sanctions must be reimposed and the United States must lead the U.N. Security Council to enforce the sanctions through an international embargo.

Second, the U.S. should send a high-level delegation to Haiti during the parliament's consideration of Aristide's nominee for Prime Minister. The parliament has many who oppose the President's return. It must be made clear that the U.S. places a high priority on confirmation of Aristide's choice to lead a new government.

Third, Ambassador Pezzullo worked hard to help get the agreement to restore democracy. He should exercise firm control over all aspects of U.S. policy to Haiti during the difficult transition. In the past, the U.S. has sent mixed messages on Haiti. We cannot afford that in the period ahead.

Fourth, the Clinton Administration is preparing assistance for Haiti during the transition to democracy. No U.S. military aid should be dispensed bilaterally, even for retraining of the Haitian security forces. It should all go through multi-lateral channels and the U.N. Given the history of U.S. involvement in Haiti, it is crucial that we operate now within the framework of an international effort.

Fifth, the U.S. should condition all aid on observance of basic human rights and civil liberties in Haiti. General Cedras has said that he cannot tolerate even peaceful protests. International observers report that demonstrators are still beaten, sometimes severely, while in military custody. We must use our significant assistance to press for an end to these abuses.

Finally, U.S. assistance must be used to erode, rather than reinforce, the massive disparities that exist between rich and poor in Haiti. The program should have strong components that promote food security, small businesses, health, education, and environmentally sound sustainable development.

Unfortunately, our programs have not met these challenges in the past. The National Labor Committee Education Fund reported that in 1991, U.S. A.I.D. helped organize, finance and manage elite business opposition to the economic and social policies of the democratically elected government of President Aristide. U.S. tax dollars reportedly were used to oppose Aristide's attempt to raise the minimum wage from \$.33 to \$.50 an hour.

If we take the side of Haiti's wealthy elite in the future, we will only fuel the type of polarization that led to the coup.

The Governor's Island agreement has good prospects for restoring democracy to Haiti and returning President Aristide. But it will require constant vigilance and activism from the international community, particularly from the United States. When Aristide is returned, the Clinton Administration and the Congress will have to work hard to find assistance to help rebuild Haiti. Foreign aid funds are tight, but we need to make this wise investment in stability in our Hemisphere.

If this process succeeds, it will be an historic victory for the courageous people of Haiti who have struggled for democracy and the hope of a better life. Their inspired efforts deserve our strongest support. It will also be an historic victory for the international community as a whole. The restoration of democratic government by concerted international action will send a strong message of support for democrats through the world.

Thank you Mr. Chairman.

PREPARED STATEMENT OF LAWRENCE PEZZULLO
U.S. Special Envoy on Haiti

Thank you, Mr. Chairman. I am pleased to be here today to brief you on the recent developments in the international effort to bring about a peaceful return of constitutional government to Haiti. As you know, following eight days of discussions in New York, President Aristide and General Cedras signed the Governor's Island accord on July 3. This accord provides a concrete means for attaining each of the goals of the international effort -- the return of President Aristide and laying the foundation for a durable democratic system in Haiti. The accord is a victory not only for Haitians but for democratic forces throughout the hemisphere. This agreement also marks a major accomplishment for the international community and for multilateral diplomacy. While the accord is only one step toward restoring constitutional democracy and returning President Aristide to his duly elected position, it is a crucial step.

Allow me briefly to review the events that brought about the historic negotiations on Governor's Island.

On January 14, prior to his assuming office, President Clinton stated that his main goals in Haiti were the restoration of democracy, the saving of human lives, and the establishment of a system for fair treatment of refugees. In order to realize these goals the President gave Haiti a high priority on his foreign policy agenda. Indeed, even during the transition he supported the establishment of the International Civilian Mission (UN/OAS) to improve the human rights situation in Haiti.

On March 16, President Clinton invited President Aristide to the White House and reaffirmed his strong personal support for the restoration of constitutional government and the return of President Aristide through UN/OAS-sponsored negotiations. The President also announced that the Secretary of State had appointed me to coordinate U.S. government efforts in support of these negotiations.

Immediately upon assuming my post, I joined UN/OAS Envoy Dante Caputo in a series of discussions with both President Aristide and the Haitian military. What was apparent from these discussions was that both parties were reluctant to move forward toward a solution due to fears about the intentions of the other. Both expressed the view that some form of international armed presence would be necessary to provide the reassurance each felt they needed if they were to move ahead with a process of return

to democracy. These discussions led to the elaboration of a plan to send something under 1000 police and military personnel to Haiti to begin intensive professionalization programs. Unfortunately neither party was willing publicly to endorse this proposal. In response to the Haitian military's intransigence, the U.S. moved immediately to increase sanctions on the regime. On June 4, President Clinton announced that we would bar entry into the U.S. and freeze personal assets of de facto regime officials, military officers and other individuals who impede progress toward a negotiated settlement. The President also announced that the U.S. would seek greater compliance with the OAS trade embargo which had been imposed on a voluntary basis. On June 6 the OAS Meeting of Foreign Ministers on Haiti passed a resolution strengthening the committee charged with monitoring compliance. Ambassador Babbitt has assumed the chairmanship of this newly-fortified committee. This committee already has met twice and is preparing its first report.

Finally, the President announced on June 4 that we would consult other UN member states on the possibility of worldwide sanctions. The United States was one of the sponsors of a resolution passed by the UN Security Council on July 16 establishing an embargo on petroleum and arms and recommended that member states freeze de facto government assets. This resolution, aimed at restoring democratic rule, is unprecedented in UN history. These decisive actions by the United States and the international community were a critical factor in the military's decision to come to Governor's Island to negotiate seriously.

Now let me review for you the Governor's Island meeting. This meeting was held under the auspices of UN/OAS Special Envoy Dante Caputo with assistance from a group referred to as the Friends of the UN Secretary General, namely the French, Canadian, Venezuelan and U.S. governments. The early days of the negotiations were spent consulting with both parties to get a sense of their positions. These positions were later distilled into a proposal by Envoy Dante Caputo which was presented to each side individually early on the afternoon of July 1. The Four Friends presented the proposal to President Aristide, while OAS and U.S. representatives presented the proposal to General Cedras. That proposal, with minor changes, ultimately was signed by both sides and constitutes the Governor's Island accord.

The Governor's Island accord lays out a 10-point process which culminates in President Aristide's return to Haiti on October 30. I ask to submit for the record a report transmitted by the UN Secretary General to the Security Council which contains the text of the accord and the other attendant documents.

The first step toward implementing this agreement occurred last week when a group of Haitian political leaders and parliamentarians, invited by Envoy Caputo, met in New York and signed an agreement which clears the way for the parliamentary actions needed to implement the accord.

The next step is for President Aristide to name a new prime minister. Under the arrangements worked out by the parliamentary representatives, the nominee promptly will be ratified by the parliament. Once the new prime minister has assumed his or her duties, international sanctions against Haiti will be suspended. Technical and financial assistance, including assistance in strengthening the judicial system, modernizing the military and establishing a new civilian police force will then begin. Police and military personnel under UN command will also act as a dissuasive presence to assure a peaceful transition of power.

Next, as specified in the accord, President Aristide will grant an amnesty under article 147 of the Haitian constitution and the new government will implement other amnesty provisions to be established by the parliament. In conjunction with the creation of a civilian police force, President Aristide will appoint a new police chief. By agreement, General Cedras will exercise his right to an early retirement prior to President Aristide's return and President Aristide will appoint a new Commander in Chief of the armed forces, who in turn will appoint the members of the general staff. With the new government functioning and international assistance beginning, with new police and military leadership, and with UN police and military personnel in place, President Aristide will return to Haiti on October 30. The last point in the agreement reiterates the UN and OAS commitment to verify that all parties comply with the terms of the agreement.

We share the UN and OAS concern that each party adhere to the letter and spirit of the agreement. To stress his concern, the Secretary General's report to the UN Security Council outlines the steps he will take to verify the compliance of both parties with the agreement. The Security Council has already signaled its readiness to take action to promote compliance. This includes confirmation that while sanctions will be suspended once President Aristide's prime minister assumes his or her duties, the suspension may be terminated if parties do not comply with the accord.

In addition the Secretary General's report reiterates the international community's concern for the human rights situation in the country and notes that numerous violations of human rights would constitute examples of

failure to comply with the accord. To monitor the human rights situation, the UN and OAS will rely on the International Civilian Mission, now 160 observers strong, to monitor the situation and report on a regular basis to Mr. Caputo. We remain concerned about the human rights situation in Haiti and have vocally and materially supported the activities of the ICM which is now deployed in all nine Haitian provinces. We will continue to monitor the situation and keep in close contact with the ICM. Clearly though, the long term answer to the suffering of the Haitian people is to restore a constitutional government and resume the process of building that nation's economy -- both of which will occur as the Governor's Island accord is implemented.

We strongly believe that this accord is a good one. It provides for the restoration of constitutional government, provides a date certain for President Aristide's return and establishes a verification mechanism. The critical factor in ultimately reaching this agreement was not just the soundness of the proposal presented by Envoy Caputo but also the leadership shown by both sides. Each was ready to take on the responsibility of reaching an agreement. There were indications that some of the more extreme elements in both camps originally were unhappy with various aspects of the proposal. Fortunately, both President Aristide and General Cedras put the greater good of the Haitian people first and recognized that the proposal is a prudent and realistic transition formula for returning democratic government to Haiti.

One of the critical decisions in the negotiations -- the length of the transition period and thus the date of President Aristide's return to Haiti -- was largely based on the length of time it would take the international community to develop and put in place the international presence called for in the agreement to assist in the developmental programs. The international community's commitment to put in place personnel and resume assistance will be critical in ensuring that the transition to democratic government and President Aristide's return is a peaceful one and one which protects the rights of all Haitians. We must be ready to participate in the numerous programs the international community is planning for Haiti.

As the Administration previously briefed Congressional leaders on various occasions, the assistance package envisioned by the international community for Haiti is a comprehensive one. The international financial institutions, with the leadership of the UNDP,

already have sent down a team to study conditions in Haiti to determine how best to coordinate international economic assistance. Haiti's arrears to these financial institutions must be settled urgently so that they can resume assistance promptly. We are working on a plan to assist Haiti in clearing these arrears. We are also planning some quick disbursing high-impact income generation and job creation programs to act as a bridge until the international financial institutions can disburse their funds. These programs will put Haitians back to work rebuilding sorely neglected infrastructure.

In addition we have begun formulating an administration of justice program on which we will be coordinating with the United Nations Development Program and the OAS. Furthermore we intend to support the UN plan to establish a separate police force and to professionalize the Haitian military. As part of this program we are working with the UN on plans to deploy civic action and training teams to work with the Haitian military on professionalization. Of course we will continue to support the International Civilian Mission now deployed in Haiti and our own extensive humanitarian assistance program. To help support all these programs through this fiscal year, we have reprogrammed \$37.5 million from other programs in the region.

The first goal of the United States and the international community -- that of restoring democracy -- is now within reach. Regarding the other U.S. policy priorities that President Clinton defined -- saving human lives and establishing a system for fair treatment of refugees -- I would like to briefly outline how this Administration has greatly enhanced the in-country refugee processing program to provide safe and fair alternatives to boat departures. First, such in-country processing is only available in three other countries: Cuba, the former Soviet Union and Vietnam. The program in Haiti has more than doubled in processing capacity under the Clinton administration. We have established two additional processing centers, one in the northern city of Cap Haitien, the other in the southern city of Les Cayes to make our in-country program more accessible to Haitians in more remote parts of the country who are unable to travel to Port au Prince. We also have streamlined processing so that high priority cases can be processed through INS interview on a same-day or next-day basis, and can be fully processed in seven working days if required. Finally our Embassy has monitored over 4000 Haitians who have been returned to Haiti and has not found any evidence

that they have been targeted for persecution as a result of their departure and subsequent return.

Once constitutional government is restored and economic programs begin to improve economic opportunities in Haiti, it is our hope that dangerous boat migration attempts from Haiti will subside.

In closing, the U.S. can be proud of the role it has played and continues to play in support of the UN/OAS negotiating effort. Full credit for the successful conclusion of the meeting at Governor's Island should go to the negotiating talent of Envoy Dante Caputo, whose perseverance and skill cannot be overstated. However, I believe Envoy Caputo and the institutions he represents recognize the major effort made by the United States to push forward a settlement to the Haiti crisis. Our decision to impose sanctions against the regime and our support in the UN and OAS to establish and strengthen existing sanctions, were critical in getting the military to come to the negotiating table. While we are still in the midst of implementing this agreement, I do not believe it is too early to say that the progress made thus far is a credit to multilateral diplomacy, the four Friends of the Secretary General and to the UN and the OAS.

Thank you, Mr. Chairman.

**Testimony of The Honorable Michael D. Barnes,
Counsel to President Jean-Bertrand Aristide of Haiti
Before the Subcommittee on Western Hemisphere Affairs
of the House Foreign Affairs Committee**

July 21, 1993

On October 31, 1991, this Subcommittee first met to consider the coup in Haiti that exiled democratically elected President Jean-Bertrand Aristide. Mr. Chairman, in that hearing you correctly observed that this coup raised a larger danger to democracy in the Hemisphere. You concluded that it was "imperative that the democratic community close ranks and respond as one." Mr. Chairman, your remarks were prophetic. In the 22 months since that hearing, we have seen military leaders challenge democracies in Venezuela, Peru and, most recently, Guatemala. Unfortunately, the international community failed to act decisively on Haiti until recently. As a result, your hope that the Haitian people would not have to endure their tragedy much longer was not fulfilled. A full two years will have passed from the day of that important hearing when President Aristide returns to his country on October 30, 1993.

Now, however, there is hope. Because of the leadership of President Clinton and other international leaders committed to democracy, in the past few weeks genuine progress has been made toward the restoration of President Aristide to office in Haiti. Without that leadership we would not have witnessed the important action of the UN Security Council which forced the military government in Haiti, the coup regime, to negotiate the return of democracy.

On behalf of President Aristide, I want to again publicly thank President Clinton, Vice President Gore, Secretary Christopher, Ambassador Pezzullo, and the many others in the Administration who have worked so tirelessly on this issue over the past months. President Aristide has already invited President Clinton to join him in Haiti to celebrate the return of democracy, and I know that will be a day of great celebration for seven million Haitians.

President Aristide also wants me to again thank the many members of Congress in both parties--including members of this subcommittee--who have supported the aspirations of the people of Haiti throughout this tragic period since September 1991. So many have helped that it would not be possible to list them all. I will just note that four members of the House--Congressmen Conyers, Kennedy, Owens, and Rangel--actually took the time to join us on Governors Island to show

their support for democracy as we negotiated the difficult issues which resulted in the agreement signed by President Aristide on July 3.

We also want to recognize the efforts of all of the men and women at the UN and OAS, including Secretaries General Baena Soares and Boutros-Ghali and Ambassador Dante Caputo for their unflagging commitment to the cause of Haitian democracy. This has been a fine moment for both of these institutions.

The Governors Island Accord is truly historic. It marks the first time the world community has succeeded in persuading a military coup to return to the barracks and in reinstating a legitimately elected President in office. It also contains important provisions reestablishing civilian control of government. These include the selection of a new Prime Minister, the appointment of a new police chief and establishment of an independent civilian police force, and the replacement of the current military high command.

A companion pact signed last week in New York commits the civilian parliament to take the necessary actions to facilitate the transition. The parliamentarians will ratify the President's choice of Prime Minister, enact laws necessary to create an independent police force separate from the military, abolish the illegal paramilitary forces that have been responsible for numerous human rights abuses and invalidate actions taken by the coup. We understand that the parliamentarians elected illegally in January will not participate in these activities. This is logical -- the January elections were universally condemned as illegitimate and were boycotted by most Haitians. To the extent there remains any question on this point, as some participants in last week's meeting have suggested, it should be resolved immediately, and the identity of the current leadership of the lawful Parliament acknowledged by all parties before naming of a Prime Minister so that the Constitutional procedure of advance Presidential consultation with the Parliamentary leadership can be followed.

The agreement is not fail safe. It sets a framework for the restoration of democratic government, but provides few guarantees. This is particularly true during the delicate transition period ahead. President Aristide, the UN, OAS, and U.S. have recognized that an international presence will be necessary to facilitate a climate for political dialogue and to provide reassurance to all Haitians that human rights will be respected. The UN/OAS International Civilian Mission is charged with observing human rights and has been establishing a presence gradually since February. The International Technical Mission is charged with monitoring police activities during the transition and providing long-term training for the newly created civilian force. It has yet to be established. Neither mission will be fully deployed until the end of the transition period. This leaves the military largely responsible for setting the climate for the democratic transition. The dire human rights record of the past 22 months gives Haitians legitimate cause for concern.

So does the post-Accord environment. Abuses have continued during and after the negotiations on Governors Island. Although the coup regime agreed that state-owned radio would air President Aristide's speech to the nation, it took a full week and significant outside pressure to accomplish this, and it was broadcast at 3 in the morning. Individuals participating in peaceful public demonstrations are still at risk, notwithstanding the presence of the UN/OAS Civilian Mission. On July 10, the police brutally suppressed a meeting at St. Jean Bosco Church. Just last week, on July 14, at least one person was shot and several were beaten in a peaceful demonstration in Cite Soleil monitored by the Mission. Recent statements by Lt. Gen. Cedras that the military will not allow public demonstrations and Col. Francois asserting an ongoing role in formation of the civilian police force raise concerns about their commitment to the Accord. These incidents reinforce the perception of ordinary Haitians that the Accord will not create the space for free expression, freedom of assembly and freedom of association. But without such an opening, it will be difficult to accomplish a genuine and lasting political transition.

The U.S. has an important ongoing role to play in ensuring that this process stays on track, and the Congress should remain actively involved in overseeing such efforts. As a starting observation, it is essential that the Aristide government retain control of this process, particularly programs to aid and assist the military and police. This requires a two-phased approach. The first phase involves quick deployment of an international technical assistance mission to ensure that law enforcement activities during the transition are conducted to prevent or minimize abuse of human rights and to promote freedoms of assembly, association and speech so crucial to ensuring the transition is real and lasting. The second phase, training of police and military, would not begin until after the President returns. It is equally important that the current command be isolated from planning until after the institutions are under civilian control and those responsible for the worst abuses have been identified and removed or excluded from participation. Any process proposed by the UN, OAS, or the U.S. that excludes the civilian government and allows the current military and police command to participate in planning of aid and assistance programs, to select candidates for training and aid programs, or to participate in the programs themselves, runs counter to the goal of reestablishing civilian control over these institutions.

There are three important things the U.S. can do in support of the Accords. First, the U.S. must make clear that continued human rights abuses are inconsistent with the spirit of the Accord and will trigger prompt reimposition of sanctions. As a first step, the U.S. should ensure that the Security Council resolution is conformed to the Accords--to incorporate a mechanism for reimposition --before sanctions are suspended--so that the coup regime knows that failure to comply will mean automatic reimposition. We all realize that the sanctions are being suspended to facilitate the political settlement--and not because there has been "tangible progress" on human rights. As the UN/OAS Mission has observed, numerous and grave violations persist. We agree with Americas Watch that "peace

and prosperity can be secured in Haiti only if the violent order of the army is replaced by the firmer foundation of a free and vibrant civil society." Second, the U.S. should work with the UN to establish the international presence as soon as possible. This means completing deployment of the International Civilian Mission immediately, and providing all needed equipment and materiel so that the Mission can carry out its mandate. This also means pressing the coup regime to honor commitments to the Mission to permit free movement throughout the country, full and prompt access to detainees, and to cooperate in facilitating the Mission's work. Planning is now underway for a separate technical assistance mission to monitor law enforcement activity during this delicate transition and to assist in creating the new civilian police force. It is imperative that the Civilian Mission be fully integrated into the effort.

Third, the U.S. should be prepared to cease providing aid for technical assistance and training of the military and police if abuses continue or if the coup regime fails to honor its commitments under the Accord. No U.S. aid should be provided until after a new Prime Minister is ratified by the Parliament, all aid should be directed through the elected President, and the U.S. should consult closely with President Aristide and his government on the operation of these programs throughout the transition period. Of course, training and professionalization of the military and police--as opposed to international monitoring and verification--cannot proceed while the current command remains in place. This would put the U.S. in the untenable posture of reinforcing and rejuvenating a system the UN and OAS are trying to replace with a civilian-controlled system. These safeguards help to ensure that any training will not be counter-productive to the goal of reestablishing civilian control over the military and the police. If they do not provide adequate protection, then they should be stiffened or aid stopped.

We will celebrate President Aristide's return to Haiti in October provided we follow the lessons of the past 22 months. The first lesson is that a clear and consistent message is required to unseat dictators. For too long, the coup regime was able to trade for oil, arms and a broad array of consumer goods because the voluntary OAS embargo was not enforceable, our European allies were not persuaded that they should voluntarily assist in this effort and, unfortunately, because the U.S. was slow to implement the embargo and to punish violators. The worldwide embargo imposed by the UN Security Council in June finally signaled to the coup and its backers in the business community that Haiti would remain an international pariah until President Aristide was restored to office. It should be swiftly reimposed if the regime fails to keep its commitments.

Second, as the 1990 elections in Haiti showed, a multilateral observer presence is crucial to safeguard fledgling democracy. International monitors helped to ensure that voters would not be risking their lives, and that the results would be tabulated fairly and respected. Perhaps if they had stayed on, the coup would not

have happened. Monitors are equally important today to ensure a smooth transition and the President's safe return. If this effort is to enjoy the same success as in 1990, it will require the Congress, the intergovernmental organizations, and the many nongovernmental organizations to supplement the UN and OAS monitoring presence. We call on all groups to send monitors now to ensure that the promise of this historic moment is fulfilled. In particular, we hope that the OAS Inter-American Commission on Human Rights will send a mission to Haiti immediately. The military government has not permitted the Commission to enter the country since the coup, but its presence could be most helpful during the delicate period of the transition back to democracy.

Third, we have learned that we cannot compromise the mandate of a popularly elected president. The 1990 election in Haiti was not a fluke, but signaled a fundamental change in Haitian society. It reflected the rebirth and growing strength of civil and grassroots organizations throughout the country. This broad coalition, filling the role of traditional political parties that Haiti lacked, participated actively in the campaign and gave the President his overwhelming mandate. The coup regime succeeded in repressing popular organizing activities, but could not shake these groups' commitment to President Aristide's return. The regime's figurehead civilian prime ministers exercised no real authority and only strengthened support for the President. It is clear that any attempt to broker a compromise with the coup regime would trigger massive protest. Without President Aristide, there can be no democracy in Haiti.

Haitians have suffered long and sacrificed much for the democratic principles we hold dear. If we keep our commitments and marshal our efforts over the next several months, then we can redeem your pledge, Mr. Chairman, that the Haitians will not endure this tragedy much longer.

TESTIMONY OF ANDREW POSTAL
PRESIDENT OF JUDY BOND, INC.
NEW YORK, NEW YORK
AND CHAIRMAN, C/LAA HAITI TASK FORCE

before the

SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS OF
THE COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.
JULY 21, 1993

Mr. Chairman, Members of the Committee, it is a pleasure to be here today to discuss Haiti, and business perspectives on how the rebuilding process can maximize employment and construct a new public/private sector partnership for growth.

I am testifying as a manufacturer, as well as being the Chairman of the Haiti Task Force of Caribbean/Latin American Action - a non-profit organization whose mandate is to promote the growth of the private sector of the hemisphere as the best vehicle for true economic stability and democracy - whose members represent a large majority of those American firms still present in Haiti today, and many which have left. These firms have made major commitments in the Haitian manufacturing, agricultural, communications, finance and transportation sectors over many years and we have seen and experienced the gradual collapse of the Haitian economy generally and the assembly sector in particular over the past six or seven years.

The U.S. private sector took a public position on the embargo from its inception. We firmly believed and asserted to the State Department that the only way an embargo would work was by completely shutting down the country. It would not work without global participation. In fact, we believed that nothing short of intervention would bring about a quick solution. Predictably, the consequence of the initial embargo policy has been the gradual devastation of the economy with no resulting political change.

While precise figures do not exist on the magnitude of the economic decline in Haiti, I would estimate that from an employment level in the 150,000 range in the mid-1980's, Haiti today employs some 8/10,000 in the manufacturing sector. Prior to the embargo, political instability had caused the departure of such major U.S. corporations as MacGregor and Stride-Rite, the embargo has added to the list, causing the departure of the last of the major sporting goods operations as recently as this month. As this core business sector has dried up, ancillary businesses in communications, transportation and finance have likewise withered. The global embargo will end what is left in a matter of days or, at most, a few weeks. I am personally a representative of one of those companies that has been in Haiti for many years, but without basic infrastructural support, because of the embargo, the end of my operation is near. I mention this only to make the point that the embargo on Haiti is a two-edged sword which until now has not been correctly wielded. It has been slow in reaching its political objectives and has dramatically reduced Haitian opportunity. The embargo must be relieved as soon as possible or the rebuilding of Haiti will have no base.

Over the past few years the C/LAA group of companies in Haiti has tried to engage each of the successive Haitian governments by pointing out the problems that have hindered expanded production and increasingly non-competitive practices. Each effort has been frustrated by bureaucratic ineptness, conflicts with interest groups, and ultimately the incapacity of any government to follow through with its commitments. While we all appreciate the difficulties that President Aristide will meet when dealing with the governance of Haiti, one thing is certain, Haitian democracy will surely have a better chance for survival and its economy better prospects for recovery when the government is free to respond to the true interests of the majority of its constituents. It is our sound belief that the creation of a free market economy in Haiti in which the average Haitian can participate will be the future for democracy.

Before commenting on the future of Haiti I would like to remind the Committee and others who hope for a successful outcome to this Haitian tragedy, that rebuilding the business sectors will be a lot tougher today than it would have been a few years ago or even last year. Notwithstanding relatively competitive wage levels, Haiti has become much less competitive than sister countries in the Caribbean Basin because of political uncertainties,

poor infrastructure, and other extraordinary costs of doing business. Countries such as Jamaica, Honduras, El Salvador and the Dominican Republic currently offer better infrastructure at a lower cost, and in most of these countries there has been aggressive action taken by these governments to grow their private sectors.

Specifically in the area of apparel - probably the fastest growing non-traditional sector - Haiti will have to overcome not only aggressive regional competition, but also the substantial complication of the potential Uruguay Round and NAFTA agreements. The combination of those two momentous changes in U.S. trade relations have led most apparel companies to be extremely cautious about investment in plants and equipment in the near term. With the conclusion of either the Uruguay Round and/or NAFTA, the prospect of attracting new apparel investment into Haiti becomes substantially dimmer.

I mention this because the early likelihood of putting Haiti's economy back together to anything approaching the level of the mid-80's will be most challenging. The democratic government will need to engender a high level of open and transparent collaboration between the public and private sectors with an important admixture from the assistance agencies and the U.S. business community. I am not aware of any other instance, certainly not in this hemisphere, where so much needs to be done in so short a time and against such odds. Those who subscribe to the notion that a stabilized democratic system in Haiti will translate into economic growth will be frustrated. Similarly, pouring money into purely humanitarian projects, as necessary as they may be in this impoverished land, will only marginally reduce the misery and only until the money runs out. Removing the embargo and pumping money into public sector projects will not stimulate investment. In conjunction with a government that is aggressively selling the country and updating its infrastructure, there needs to be a fundamental emphasis on private sector development in the rebuilding of the economy.

I would argue for a totally new and admittedly untried approach that is conceived to jump start the Haitian manufacturing and agricultural sectors. An approach that brings together the Government of Haiti, the Haitian private sector, the U.S. government, and the international donor community. For Haiti, as in any other Caribbean Basin nation (barring oil-producing countries)

non-traditional exports will have to be the engine for growth. This would lead from what has traditionally been a strength of Haiti - the productivity of its work force. We should aim to construct a strategy through the early assistance programs that would seek, as President Aristide pointed out to the C/LAA Board of Trustees in early June, to help the Haitian government create a functioning private sector. Such a strategy would necessarily involve the rebuilding of those institutions dealing with ports, communications, power, water, sanitation, security, transportation and finance. On the part of the private sector, there is little doubt that enlightened self-interest would motivate the companies doing business in Haiti to participate in the process. In fact, both the U.S. and Haitian companies have worked to sustain jobs throughout the crisis. I would also mention that one of the institutions that I believe has failed Haiti is the lack of good labor organization. Absent responsible labor, I am confident that Haiti will be at a disadvantage in building an environment for increased investment and job creation.

The United States Government, representing Haiti's leading trading partner, and one of the principle actors in seeking to engineer a return to democracy, must play a special role in rebuilding the Haitian economy. It can do no less than to assume a special responsibility for the state of affairs. Therefore, the U.S. must take extraordinary measures both in terms of envisioned financial support, and in terms of non-financial contributions to promote trade and investment. As an enclosure to this testimony, I have attached for the record a series of suggestions that our foreign affairs and assistance leaders might review. I would only mention a few of these for the sake of illustration. We might apply extraordinary and temporary tariff reductions on assembled products from Haiti, liberalized quotas on similar products, provide tax credits for training and investment, extend low cost loans for capital projects, and help establish an "equipment bank" so that factories have access to the equipment necessary to modernize their production lines. On the agriculture side, perhaps an agricultural inspection station could go hand in hand with a vigorous technical assistance program in the rural areas. I could go on with these, but it is sufficient to note that there are many options that would induce production, create jobs quickly and cost relatively little. I urge the committee to consider that nothing short of a full-scale commitment will bring about a quick recovery.

Today the value of the private sector is much better understood and appreciated at its face value. Its motives are transparent and its approach self-evident. It seeks institutions which are supportive to its goals of predictability and competitiveness at the global level. But the window of opportunity is narrow and the firms' involvement can not be taken for granted. The nucleus of companies that have held on are the kernel from which we have to build, however, there is skepticism within the business community as to how much the international agencies are prepared to work with us. Yet we remain hopeful that this attitude of cooperation will be forthcoming. The first step in this effort will in fact begin this week. Our organization, working with President Aristide's team, will participate in a colloquy in Miami, together with the Haitian private sector, that will take a first pass at the problems seen to be inhibiting the return of investment and jobs to Haiti.

It is clearly not for C/LAA or any other group to dictate the public policy course for Haiti under democracy. All we can do is offer and, if accepted, do the best we can to help. But it has been encouraging to those of us who know Haiti and have worked there for many years, to hear from President Aristide that he regards the development of open and transparent business conditions and practices as the fundamental basis for the creation of the maximum number of jobs. One of the things that will be examined by both the Haitian and U.S. private sectors will be the degree to which the international commitment to the recovery of Haiti is sustained - this is particularly true for both the Executive and Legislative branches of the U.S. Government. This experiment with democracy will come to nothing without long-term commitment - especially in a country without a tradition of democracy.

Finally, we urge all international donor countries and institutions that they consider the interests of the Haitian private sector, and consult the Haitian private sector when constructing grants and formulating their programs. We do not need money for roads to nowhere in Haiti, nor can we afford to wait much longer for the building to begin. I believe we all share some responsibilities in the solution, but I must repeat my conviction that this new democracy will survive and gain strength in direct proportion to the quality of the business environment and the jobs it creates. Failure in the latter, I am certain, will assure that democracy will not make it in Haiti during any time that I can foresee.

Thank you.

PUEBLA

I N S T I T U T E

Embargoed Until Delivery

PREPARED STATEMENT OF NINA SHEA, PRESIDENT
THE PUEBLA INSTITUTE
before the
SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
July 21, 1993

In the preface to *The Comedians*, Graham Greene's violent novel about Haiti under François Duvalier, Greene notes that he did not exaggerate the character of the government in his book for dramatic effect. "Impossible to deepen that night," he wrote. "The Tontons Macoute are full of men more evil than Concasseur, the interrupted funeral is drawn from fact; many a Joseph limps the streets of Port-au-Prince after his spell of torture."

Greene's words are as apt in describing Haiti's human rights situation now as they were in 1966 -- as they have been at virtually every point in Haiti's history, dating from when it was a French slave colony in the seventeenth century. Political terror and repression are the mode of governing, and violence is the usual method of resolving disagreements and disputes. Those with weapons hold the power, and those with power hold it absolutely. This reality will not change until Haiti is truly democratic -- with strong democratic institutions and a democratic political culture.

1992 Human Rights Overview

The current human rights situation is best described as a generalized, systematic repression by the armed forces of civil society, affecting groups relating to the Catholic Church, community development, politics, student associations, peasant organizations, humanitarian aid and self-help projects, and others. Sometimes this repression takes the form of summary executions, particularly victimizing those who demonstrate support for Pres. Aristide, but most regularly it is marked by arbitrary, short-term detentions, accompanied by beatings -- often extremely brutal - - during which victims suffer fractured bones, kidney damage, hearing and sight loss, and requiring hospitalization.

The United Nations (UN) special rapporteur on Haiti observes in his report of February 4, 1993 that security forces have also engaged in so-called preventive repression, directed not so much at individuals as at an entire neighborhood or community. A recent instance of this occurred on July 1 in La Savane aux Cayes when military indiscriminately beat and harassed the residents of the quarter for several hours after they brutally dispersed a demonstration. Another example was reported to have occurred on May 2, 1992, in the commune of Mirebalais, when the section chief and 30 armed soldiers in uniform terrorized the community for four hours, arresting and beating the residents, shooting into their homes, killing their animals -- all because some members of the community distributed a flyer calling for Aristide's return.

Military repression is reinforced by pervasive corruption; citizens are required to pay bribes, extortion fees, and protection money under penalty of death, imprisonment, torture, ill treatment and/or loss of property. This abuse of power is sometimes referred to as "traditional" or "endemic" repression, as distinguished from politically motivated reprisals.

Since the arrival in February of the International Civil Commission of the United Nations and the Organization of American States (ICM), which has been monitoring human rights throughout the country, the human rights situation has been "relatively calm," but with "sporadic serious abuses," a senior official of the ICM reported in mid-July 1993. The ICM official also reports that military abuses in the countryside have decreased over the last six months. With some grave exceptions, instead of political or ideological differences, the violence in the countryside is now more rooted in traditional or endemic abuses of power by the military, which remain a serious problem.

Extrajudicial Killings

It is impossible to quantify the number of political executions. The government makes no systematic investigations, and no impartial, professional, and nationwide human rights groups are undertaking the careful documentation that is needed. Ascertaining the number of victims is complicated by high crime levels, massive displacement and emigration (some church and humanitarian sources estimate as many as 300,000 Haitians have left their homes since the coup). Corpses turn up in the morgues or in the streets, but there is often no proof of who killed and for what motive. In other cases, political murders go unreported for fear of reprisals or simply because in some rural areas there is no one to report to. In still other cases, human rights information is manipulated for political ends. An ICM official recently stated that it is difficult to determine what happens in Haiti since both sides regularly alter the factual, forensic account of events after the fact to suit their political needs of the moment. The human rights data are thus very soft.

Estimates of the numbers of extrajudicial executions for 1991-1992 range from about 500 to 3,000. The longest list of documented killings comes from the Platform of Haitian Organizations for the Defense of Human Rights which has documented 1,021 killings from October 1991 to August 1992, although the member groups of that coalition reported 1,000 killings in the immediate aftermath of the coup alone. The Aristide government's figure of

3,000 is based on extrapolations from the Platform list.

Whatever the body count, it is clear that repression is harsh and reflects nationwide patterns. It is apparent that some human rights violations emanate from policies or practices adopted at high levels in the military, while others stem from unchecked abuses of power at the local level. Extrajudicial killings by the military, police, and their agents reached their peak in the weeks immediately following the coup. During 1992, political killings were less frequent, and the ICM has noted that such abuses have levelled off or even decreased in some areas during the six months they have been present in Haiti in 1993.

Recent examples of how politics motivates some of the violence in Haiti follow. More examples are provided throughout the various sections of this paper.

On September 3, 1992, Marcel Fleurzile, a 55-year old peasant leader and member of the National Committee of the Congress of Democratic Movements (KONAKOM), a party in the pro-Aristide coalition FNCD, was gunned down in the street near the party offices in Port-au-Prince. Fleurzile had been obliged to leave his home near Mirebalais in the Central region because of continual harassment.

On August 19, 1992, three men who reportedly had been putting up posters of President Aristide in preparation for a visit of an Organization of American States (OAS) mission were found dead in the Port-au-Prince morgue after they had been arrested the previous day.

On August 14, 1992, Bishop Willy Romelus of Jeremie issued a statement protesting military threats and harassment against himself and priests in his diocese. In October 1992, Haiti's Catholic Bishops' Conference issued a statement denouncing acts of intimidation against Bishop Romelus after he was repeatedly stopped and threatened at military roadblocks and a military sergeant and armed men had stormed his rectory and beaten up a priest outside it while looking for the bishop on the night of September 24, 1992.

The UN Special Rapporteur concludes that the civilian authorities have been either unwilling or powerless to stop these abuses, while the military, the sole authority in many parts of the country, is said to have been leading the repression. In only one case has a military officer been held accountable for a political killing. That case involved the summary execution on December 15, 1991, of Astrel Charles, the congressional lower house representative for Pignon, North Department. The section chief who shot Charles in cold blood after Charles criticized him was arrested and is serving a life sentence.

In the countryside and provincial towns, the section chiefs are at the heart of Haiti's human rights problem. Each of Haiti's 555 communal sections, the smallest administrative unit in the country, is under the command of a section chief. The institution is directly descended from customs among the landowners at the time of the Spanish conquest and the inspectors of culture of the colonial epoch. It has persisted throughout the history of the

republic. Usually the sole representative of the government in the countryside, the section chief often serves as de facto executive, legislature and judiciary within his section. As the repository of absolute local power, the institution of section chief is rife with corruption. Instances of racketeering, extortion and unlawful taxation at the hands of the section chiefs abound throughout Haiti. Citizens who resist risk death, torture, or imprisonment.

Torture

Hundreds of cases of torture by the armed forces have been reported. In nearly every instance, torture is administered by beatings with the fists, rifles, sticks or whips. Police routinely disperse demonstrations with brutal beatings of participants, and systematically beat detainees during interrogation. The Anti-Gang Police in Port-au-Prince are notorious for administering maiming beatings to its captives.

A recent case was reported on June 28, 1993, when police arrested Vesnel Francois, a 24-year-old member of the platform of popular organizations in Cite Soleil, beating him mercilessly with rifle butts as they apprehended him. The ICM were denied access to him in detention that day but could hear his cries outside the police post while he was being beaten some more. The next day the ICM was told Francois had been transferred to a military hospital for medical care. On July 1, he was given provisional liberty and the ICM was able to verify that Francois sustained fractures in his forearms and wrists due to the police beatings.

On June 29, 13 members of the peasants' group PAPEYE were arrested after demonstrating to demand the return of the chef de section under Aristide, and were beaten with rifle butts and batons while detained in the police barracks in Hinche.

In the last week of June, the ICM was reporting such incidents of beatings of demonstrators almost daily.

A particularly severe and well-documented case involved a prominent labor leader. Cajuste Lexiuste, the Secretary General of the CGT union was arrested by Anti-Gang police on April 23, 1993, while he was driving to Port-au-Prince with two other union members to protest on the radio the attempted arrest of one of them on the previous day. Lexiuste was brutally kicked and beaten during detention. After an international campaign on his behalf led by the AFL-CIO's American Institute for Free Labor Development (AIFLD), a medical observer of the ICM was allowed to examine Lexiuste on May 11 at a military hospital. He reported the following: "The victim presents multiple wounds with loss of important substance to his buttocks. Furthermore, the victim claims to have received blows at the lumbular area which caused important bilateral contusions with retroperitoneal hematosis. Those blows resulted in renal destruction with renal insufficiency and contained diuresis for which the victim received dialysis on May 9th, 1993." Lexiuste subsequently required a kidney operation and now needs regular dialysis. On May 21, 1993, 29 days after being tortured, Lexiuste was freed. AIFLD's Haiti office has helped Lexiuste find a doctor to

continue treating him, which they report is difficult since doctors fear military retaliation. One of the other union members arrested with Lexiuste, Sauveur Orelus, was also beaten and sustained head, hearing and back injuries.

In another example, Roosevelt Charles, a coordinator of the National Progressive Revolutionary Party (PANPRA) for the Limbe area in the North Department and a well-known activist, was arrested on Feb. 13, 1992 for reasons that are not clear. He later told his family that he was beaten every day of his eight-day detention. Before his release he was given 250 blows with a stick. His wounds from the beatings became so infected that without treatment he might have died. Charles was hospitalized for approximately a month after his release and then had to be flown to the United States for a skin graft.

The UN special rapporteur on Haiti and Amnesty International have documented numerous cases of torture not unlike those describe above.

Freedom of Assembly

The general rule throughout the country is that *all* non-governmental meetings must have the prior approval of local military authorities. Under these conditions many groups simply no longer meet. Others that do in defiance of the rule are raided by security officials and brutally broken up with the arrest and beating of participants.

As copious examples demonstrate, this pattern continues to the present. And it can be expected to continue for some time. On July 9th, one week after signing the Governor's Island Accord, Gen. Cedras made clear that the military remains determined to avoid mass displays of support for Pres. Aristide. Asked by journalists when the army would let Haitians display posters of Aristide and hold street demonstrations, Cedras responded by asking when "the rights of Haitian citizens to health and basic needs will be respected." When pressed further about pro-Aristide demonstrations, Cedras told the Washington Post: "There is a big difference between those who want to express their opinion and those who want to destabilize."

For example, on July 14th, four partisans of Aristide were arrested in the presence of members of the ICM, and accused of organizing a pro-Aristide demonstration.

On June 22 and 23, in the Raboteau quarter of Gonaives, soldiers dispersed pro-Aristide demonstrations by beating the participants with batons.

In another example, Senator Guy Bauduy from the Southeast Department, a mayor, a justice of the peace, five businessmen, and other citizens were arrested and forced to spend the night of November 1, 1992, huddled in a cell in the local barracks for having held a meeting without military authorization. The senator reported on Radio Métropole that they were arrested while discussing the possibility of opening a chamber of commerce in the

department.

Church groups are supposedly allowed to hold meetings to prepare for the next day's worship service. On June 6, 1992, however, the French priest at Verrettes, Fr. Gilles Danroc, was arrested, together with 14 Haitian students, including a pregnant 17-year old girl, as he gave a catechism class in preparation for the next day's Pentecost service. Fr. Danroc and the students were detained for one to one-and-a-half days without any due process. A number of them, including the pregnant girl, are said to have been beaten by soldiers. The arrests allegedly took place without a warrant and despite the fact that Fr. Danroc reportedly informed the authorities the previous day that he would be holding the catechism class.

Repression against the Church in the Artibonite region became so great that in a rare public statement on June 9, 1992, Bishop Emmanuel Constant of Gonaives went on Radio Soleil, the Catholic bishops' station. He spoke against torture and repression in his diocese, especially in the towns Petite Riviere de l'Artibonite and La Chapelle. He demanded that church meetings be allowed to take place freely.

A few months after the coup, the Justice and Peace Office for Gonaives described the situation facing the church there:

The diocese has 30 priests covering its parishes; yet only about half remain in their parishes to confront in one way or another the military repression; [those who remain] have become the objects of spies and strict surveillance in their pastoral activities. Since the military coup d'etat, all activities of the church, such as CARITAS, Justice and Peace, literacy campaigns, church grassroots organizations and others have been suspended due to the blind and savage repression. In numerous parishes, even Mass has had to be suspended for certain times.

Virtually all peasant groups in northeastern Haiti have ceased meeting. After the September 1991 coup, the military cracked down on the Peasants Movement of Papeye (PMP) -- a peasant self-help group that has been active in development projects in the Central Plateau region since the end of the Duvalier dynasty -- forcing its leaders into hiding.

The labor unions have been also hit hard. The AFL-CIO reported in a GSP petition to the office of the US Trade Representative in June that some Haitian unions have lost 40 to 50 per cent of their membership, in part because of the military repression which prevents them from organizing.

On several occasions, students at the University of Haiti in the capital have been arrested and beaten while holding meetings and demonstrations. And similar acts of brutality by government authorities against other groups trying to meet without prior authorization have been reported throughout the nation.

Freedom of Speech and Press

Since the coup of late September, 1991, six or seven journalists are reported to have been killed, including Robinson Joseph, the former director of the Protestant station Radio Lumière, who was shot on August 3, 1992, at a military checkpoint. Dozens of other journalists have been detained or beaten, including Guy Delva, the Voice of America correspondent, who was forced to leave his home after receiving death threats in December 1991 and was beaten by police in the capital in May 1992 while covering a student demonstration.

In June and July 1993, the International Civil Mission expressed concern about military threats and intimidation directed against journalists. On July 1, 1993, the ICM denounced an incident in which journalists for Radio Tropic and the daily Haiti Progres were "molested" by police and armed civilians for covering the arraignment of an arrested demonstrator, and their journalistic equipment was confiscated. On June 29 and 30 a Radio Metropole journalist was taken to police headquarters and questioned after giving reports on the Haiti negotiations in New York. In late June a journalist for Radio Plus was detained and questioned for two hours by police in Leogane about the reporting of another journalist with Radio Tropic.

Although all the independent radios stopped broadcasting news for a period after the coup, three -- Radio Tropic, Radio Soleil, and Radio Métropole -- went back on the air, even reporting news pertaining to human rights violations or critical of the authorities.

On October 30, 1992, for example, Radio Soleil aired an interview with Evans Paul, mayor of Port-au-Prince, in which he called for the reinstatement of Aristide. In early November, all three stations reported on an international meeting on repression in Haiti, which condemned human rights violations and announced the formation of a new movement for the return of Aristide. On November 11 and 12, 1992, Radio Soleil carried criticisms of the consensus government. On November 13, 1992, reports of the arrests of students and journalists at the Faculty of Sciences at the University of Haiti on the previous day were aired, and on November 17, Radio Tropic broadcast a denunciation of the arrests of journalists.

International press correspondents in Haiti report a severe curtailment of free speech for ordinary citizens, many of whom are afraid to be seen even talking to the press. In November 1992, for example, Douglas Farah of the *Washington Post* told the Puebla Institute that a group of boat builders told him they were afraid they would be beaten later by local military authorities if they answered his questions.

Ordinary people -- as distinct from those who derive some protection from being known nationally or internationally -- dare not champion President Aristide or exercise politically sensitive speech in public. On November 4, 1991, after several people shouted pro-Aristide slogans, soldiers opened fire on parishioners leaving the Gonaïves

cathedral and shot directly into the cathedral following a mass celebrated by Bishop Constant. A priest and several others among the worshippers were arrested, but the gunmen were not.

Recent examples of repression of free expression abound: The ICM reports that on June 28, 1993, the feast of Haiti's patron saint, Our Lady of Perpetual Help, several persons shouted pro-Aristide slogans during Mass at the church of that name in the capital. Police and armed civilians immediately arrested and beat Nixon Desrosiers, a 30-year-old coordinator of a popular committee, and six others. They were taken to the Anti-Gang police headquarters where they were severely beaten again. The incident was broadcast on local television.

On July 7, 1993, in La Fosette, a slum in Cap Hatian, soldiers violently disbanded groups distributing leaflets to demand the return of Aristide. On July 15, 1993, two members of the political party of Serge Gilles PANPRA were arrested because they were carrying political billboards.

Justice

The justice system remains essentially paralyzed. Security officials, particularly the section chiefs, decide who is to be arrested, what punishment or fine the defendant is to pay, and whether he is to live or die, remain in prison or be freed.

The report of February 16, 1992 of the Catholic Church's Commission of Justice and Peace of the Diocese of Gonaives described interviews with recently released prisoners from St. Marc prison. One prisoner stated:

As soon as you enter the door of the prison, to avoid being beaten -- you have to understand how the prison works -- you have time to speak to the head prisoner and give him and the other soldiers money. The head prisoner is one of the oldest prisoners appointed by the military to extort money from the other prisoners and to monitor them. You have to give about \$30 to avoid being beaten and to receive slightly better treatment than the others.

Prisoners described how they had to pay so that their heads would not be shaved, or to get out of the so-called internal cell, the worst cell in the prison, without windows, light, or ventilation. Detainees must also pay \$5 for family visits and must pay to avoid torture during interrogations (between \$60 and \$100, according to a former prisoner). The price for release is between \$1,500 and \$3,000, said a former detainee.

In its 1992 report, *Haiti: A Human Rights Nightmare*, quoting the Gonaives Commission of Justice and Peace, the Lawyers Committee for Human Rights concluded that, "in effect ... the only way a political prisoner can be freed 'is to take care of the situation not

in the courts but in the military barracks. It is the army that decides everything, the prosecutor has no power. It is not the law that rules, it is force and money." And in his November 1992 report on Haiti, the UN Special Rapporteur wrote: "The situation has reached the point where [the rural poor] must pay the security forces in order to avoid persecution or ill-treatment or, in the case of arbitrary detentions, to make their imprisonment more bearable or simply to obtain their release."

This situation within the prisons is deeply entrenched. The Puebla Institute reported in its 1988 report, *Haiti's Reign of Terror*, that "human rights groups and parish priests knew of many instances where detainees were held without charge or due process and then released after being forced to pay what amounted to a bribe, rather than a lawful fine, to their jailers." The 1988 Puebla report provided an account from the same notorious St. Marc prison in which a teenage boy from the Saint Marc area was arrested and jailed without charge after he reported the theft of his running shoes by another boy, who was also subsequently jailed. The complainant was reportedly released only after his family found some money to pay off the local authorities.

Since the fall of the Duvalier regime in early 1986, the lack of formal justice has given rise to street justice in Haiti. In a process sometimes called *dechoukaj* or uprooting, people take retribution and the settling of scores is taken into their own hands, using arson, threats, beatings or lynchings.

Interference by the executive branch and widespread corruption within the judicial system make it impossible for the population to seek reparation before the courts for human rights violations and abuses of power by officials. The ordinary citizen is left with no recourse for protection other than to go into hiding, emigrate, or pay ransom money.

Aristide's Record

Human rights atrocities today in Haiti are part of a historical pattern dating back through the centuries. Under Aristide the number of infractions of human rights was lower, but their tenor was the same. To use one of his own favorite metaphors, Aristide "turned the tables" -- instead of the religious base communities it was the hierarchy of the Catholic Church, with whom he has had long-standing differences, that was persecuted. Rather than left-wing activists, it was the right that was suppressed. Rather than the indigents, it was the elites who were terrorized. Under Aristide-style repression, the socioeconomic pyramid was inverted.

Because he was democratically elected, Aristide has become an international symbol of democracy; he was no democrat, however, and showed little interest in establishing a rule of law or abiding, himself, within constitutional constraints. Aristide governed as a populist demagogue, appealing directly to Haiti's impoverished masses through fiery orations that inflamed class resentment and at times condoned mob violence. Videotapes of one famous rally, with throngs of Aristide followers brandishing tires (the preferred instrument for lynchings in Haiti) and machetes in full view, capture his incendiary style. His supporters

threatened government critics with necklacing, underscoring their threats with actual lynching in some cases. The fear of mob retribution is one of the reasons why the Haiti's commercial class has been so resistant to allowing Aristide to return to power.

Commenting on Aristide's governing style in his report of January 31, 1992, the UN Special Rapporteur on Haiti, Marco Tulio Bruni Celli (a social democratic deputy in Venezuela's parliament) concluded:

An open confrontation was brought about between the partisans of representative democracy and those who, from [Aristide's] Lavalas movement, favored so-called "direct" democracy. This reduced the authority of democracy and curbed freedoms and fulfillment of State pledges in regard to the promotion and respect of human rights. ...His [Aristide's] tendency to govern through direct democracy transgressed the nature and the principles of the 1987 Constitution, which he had sworn to obey and to enforce.

The UN special rapporteur continued:

Perhaps the greatest shortcoming of President Aristide's Government in the human rights field has been precisely its interpretation and understanding of the working of the democratic system. Mass violence leads to irrational action and even irrational crime. Freedom of thought, to criticize, to act in accordance with one's own ideas and opinions are fundamental human rights that may be suspended only in specific circumstances of emergency or danger.

Some examples of abuses of power under Aristide follow. On January 6 and 7, 1991, in Port-au-Prince, supporters of the newly elected President Aristide went on a rampage. They destroyed the old cathedral, gutted the archbishop's house, the pastoral center, and the seat of the episcopal conference and then went to the nunciature, the home of the Pope's representative in Haiti. According to Msgr. William Murphy, a Catholic priest in Boston who spoke afterward with the papal nuncio, they completely destroyed the building, attacked and stripped the nuncio, and broke both legs of the priest serving as first secretary to the embassy. The nuncio, Archbishop Giuseppe Leanza, was spared a lynching only by the intervention of a neighbor, who pretended to be with the marauders and have orders from Aristide for them to halt their violence. When the mob heard Aristide's name invoked, they turned and left.

Later Aristide communicated his "sympathy" to the Vatican over the incident, but he then outraged Port-au-Prince's diplomatic community by seeming to encourage the roving bands in a radio speech: "I take note of your will to catch powerful Macoutes today so that they do not destroy you tomorrow. It is legitimate." Cautioning against "vengeance," he

admonished them to use "vigilance" -- a loaded word in the context of Haitian street justice.

Under Aristide, it was the anti-Aristide media that were intimidated. Aristide followers torched the residence of the director of the neo-Duvalierist Radio Liberté and imprisoned the director. Aristide personally threatened the editor of *Haiti Observateur*, a moderate newspaper that has been critical of Aristide. The director of the politically neutral Radio Métropole said the station was forced to exercise self-censorship in regard to critiques of Aristide for fear of the reaction of his supporters.

Like most of his predecessors, Aristide had little patience with governmental checks and balances. The judiciary remained virtually moribund when it was not carrying out the directives of the executive. During the entire seven months of Aristide's rule, the criminal trial court in Port-au-Prince decided only two cases, although hundreds of people were imprisoned awaiting trial.

On August 4, 1991, after the conviction and sentencing in the political case of Roger Lafontant, Aristide gave his supporters a kind of pep talk, boasting that the life sentence imposed, in violation of the legal maximum of 15 years, was the direct result of his supporters' threat to have the judge necklaced. (Called "Père Lebrun" in Haiti, this torture entails igniting a gasoline doused tire after it is placed around the victim's head, thereby burning him to death.) Aristide intoned: "For 24 hours in front of the courthouse, Père Lebrun became a good firm bed....The Justice Ministry inside the courthouse had the law in its hands, the people had their cushion outside. They have their little matches in their hands. They have gas nearby."

The defendant in this case, who had plotted a coup that failed shortly after Aristide's election, was murdered in his cell on the night Aristide was ousted. The U.S. government has compiled extensive evidence -- disputed by Aristide's government -- that Aristide himself gave the order for Lafontant's execution.

Aristide's Prime Minister René Preval personally took up interrogating political prisoners, while denying them legal counsel. Aristide also personally intervened to block justice in the case of five men murdered by members of the military who were his supporters. The U.S. State Department Country Reports for 1991 provide this account:

The police on July 26 tortured and murdered five young men who were in police custody; following an investigation, the Army recommended to President Aristide that a lieutenant and the enlisted men under his command at the time be brought to trial for the killings. The President attempted publicly to exonerate the officer, believed to be a militant Aristide supporter.

The U.S. State Department also reports that in the weeks before the September 1991

coup, at least three lawyers were either arrested or narrowly escaped popular justice through mob violence because of their association with politically unpopular defendants.

Aristide also violated constitutional provisions for judicial independence by appointing judges to the Court of Cassation, Haiti's supreme court, without Senate approval or notice. On August 29, 1991, the governing body of the Senate resigned en bloc as a protest against the unapproved appointments of Gilbert Myrtil and Rosemond Jean-Phillipe to membership of the Court of Audit and the Administrative Disputes Court. The UN special rapporteur commented: "This resignation en bloc of the Senate's officials was aimed at drawing attention to the behavior of the Executive, which was in the way impeding the observance of constitutional procedure." (Similarly, Aristide bypassed the Senate by appointing ambassadors in violation of the constitution.)

Legislative independence was also violated. In August 1991, Haiti's legislature debated whether to move a vote of no confidence against Prime Minister Preval. During the debate the hostile pro-Aristide crowds filled the public galleries of the legislature, some openly shouting threats to lynch the opposition. On August 6, one legislative deputy, Gela Jean-Simon, was beaten by demonstrators as he left the Legislative Palace, and the next night an angry mob stoned and vandalized the home of another opposition leader, Senator Turneb Delpe.

On August 13, violence exploded against Aristide's critics throughout the capital. A mob of 2,000 surrounded the parliament screaming threats of "Père Lebrun" against the opposition. Two legislators were caught and beaten as they tried to leave the building. A mob torched the headquarters of the Autonomous Federation of Haitian Workers (CATH), a union headed by Jean Auguste Mesyeux, a proponent of Operation Windstorm, a campaign calling for the government's resignation. The rioters then moved on to loot the offices of a political party and stoned the office of Port-au-Prince Mayor Evans Paul, who had been threatened with necklacing by Levalas mobs just a few days before for his leadership within the FNCD (which had clashed with Lavalas when it endorsed the constitutional principle of representative democracy). The parliament stopped its efforts against the Prime Minister and recessed. The next day, Aristide's minister of communications issued the government's first statement on the violence against the parliament, weakly asking for the population to respect each other's rights. The UN special rapporteur concluded: "This violence against politicians was in the nature of blackmail. They were threatened in order to neutralize them and prevent them from opposing the Government. In this way, the opposition was silenced and this, without doubt, distorted the democratic process." If the no confidence vote had been allowed to take place, had prevailed, and had followed its constitutional course, the military might not have resorted to a coup a month later.

The Lafontant trial speech was one of several public speeches Aristide gave both before and during his tenure that have been interpreted by many, including U.S. human rights groups, as condoning "Père LeBrun." Americas Watch observed in a report on Haiti released on November 1, 1991: "Aristide has a masterful command of his mother tongue, Creole, and

is expert at the practice of "*voye pwen*," or speaking with double and triple meanings, enabling him to direct different messages at different audiences or sectors of society." The group found that Aristide's speech of September 27, 1991, before a rally of his supporters at the National Palace, some of whom are shown in a videotape of the scene to be brandishing tires and machetes, has been "fairly interpreted as condoning popular violence." Excerpts from this speech, given just two days before Aristide was overthrown by the military coup, follow:

If I catch a thief, a robber, a swindler, or an embezzler, if I catch a fake Lavalas, if I catch a fake [changes thought] If you catch someone who does who does not deserve to be where he is, do not fail to give him what he deserves. Do not fail to give him what he deserves! [Repeats twice] ... What a nice tool! What a nice instrument! What a nice device! It is a pretty one. It is elegant, attractive, splendid, graceful and dazzling. It smells good. Wherever you go, you feel like smelling it.

Aristide's words were all the more horrifying in the context of the mob violence that was going on at the time. One of the best known victims was the Reverend Sylvio Claude, a political prisoner of Papa Doc, a courageous human rights defender, twice a presidential candidate, the head of Haiti's Christian Democratic Party and a critic of Aristide. Claude was necklaced by a pro-Aristide mob in Les Cayes a few hours before the coup. The justice of the peace, who went to the scene to make out a report, was also necklaced. Claude had reported his fears of persecution by Lavalas mobs for his anti-Aristide remarks to the Haitian human rights group, the Haitian Center for Human Rights (CHADEL), in the weeks preceding the atrocity. In graphic photographs found by the military in a government office after Aristide was ousted, Jean-Claude Jean-Baptiste, Lavalas delegate from the South Department, reportedly can be identified among the lynch mob surrounding the two men's charred remains. Some believe that the coup was triggered later that night after word of these two murders spread through the military.

Aristide supporters proclaim that human rights abuses were eliminated under his rule. The number of human rights abuses was reduced but not to the extent that his champions would lead us to believe. The UN Special Rapporteur explained:

Under Aristide's Government the main hurdles to the enjoyment of human rights were not actually removed: the judicial system remained ineffective and the prison system continued to deteriorate; traditional violence continued in rural areas, leaving a toll of deaths, insecurity and destroyed property; violence intensified in urban areas; no solution was found to the problem of the performance of police functions by the armed forces; the institution of section chiefs was not abolished in practice, no progress was made with investigations into or bringing to trial

those guilty of the main massacres in rural and urban areas. In other words, little progress was made in this regard, despite the Government's avowed intention to achieve significant change and progress.

One of the most widely publicized developments was that the Justice Ministry under Aristide announced that the section chiefs would be transferred from military to civilian jurisdiction, put under Justice Ministry control, and ordered to turn in their arms. But again real reform proved difficult. Americas Watch reported, "Some of the old section chiefs slipped into their new posts and continued to operate in the old way....In other areas, the section chiefs quit the vicinity, leaving it without any police force and allowing violent quarrels to thrive."

The Outlook

The recent record shows just how endemic and deeply rooted political violence, lawlessness, and injustice is in Haiti. No leader, even a democratically-elected one, will be able to ensure respect for human rights without first establishing strong democratic institutions, a rule of law, civilian control, and checks and balances.

While strengthening a buccaneer economy that has mostly benefited the military and coup supporters, the hemisphere-wide embargo has served to intensify malnutrition, sickness and death among Haiti's poor and isolate and further impoverish Haiti's civil sector. These are the very groups and individuals that should be strengthened to document human rights abuses, help foster democratic culture, sponsor public education on issues relating to human rights and democracy, and serve as checks on government.

The needs of the country are easily identified:

- * The international community needs to help Haiti establish an independent and impartial judiciary, and provide such basics as law books, which are virtually non-existent in the country;

- * the legislature, Haiti's other elected national branch of government should be assisted through training, expert consultation and the provision of resources for staff assistance and office equipment;

- * technical assistance should be made available to the legislature to facilitate its formidable task in redrafting laws and codes on civil and criminal procedure, property rights, contracts, criminal law, labor laws, etc.

- * assistance must be provided to reform and professionalize the armed forces and bring them under civilian rule;

- * the police must be brought under civilian control, separate from the military, and provided appropriate training related to human rights;

- * local civilian government must be developed from the present antiquated or nonexistent structures, and the new, freely-elected mayors should be given training and resources;

- * human rights must be secured through military, judicial and legal reforms; working with existing networks in the churches, radio stations, and grassroots groups, as well as through new recruitment, a professional, nonpartisan and nation-wide human rights monitoring network should be established;

- * labor unions should be given support to rebuild their base, and conduct skills training and civic education programs;

- * political parties need help in developing grass roots bases to which they are responsive;

- * civic education at all levels of education and through radio broadcasts and seminars conducted by grass roots groups must be made available to foster greater social tolerance and a deeper understanding of democracy, democratic means of conflict resolution, and how to hold government accountable and make it work for them;

- * property rights must be secured through the creation of a modern method of title record keeping which would allow ownership rights, and the buying and selling of land;

- * mechanisms for audit and control must be established to guarantee accountability in the nation's bureaucracies, agencies and government-controlled companies; the government's impartiality in providing benefits and services must be strengthened.

Once the constitutional crisis is finally resolved, the international democratic community *must* remain engaged in Haiti. It must not repeat the mistakes of 1990 and 1991 when it sponsored an election and then in effect abandoned the country. Pres. Clinton announced a five-year aid plan for Haiti. At least this much time will be required to secure peace and stability and consolidate democracy, as outlined above.

Foreign aid, particularly U.S. aid, will be critical to Haiti's future and should be provided in ways consistent with strengthening the nation's democratic institutions. This means that with Haiti's long and consistent history of a strong-man, dictatorial Executive, aid should not be mainly channelled through the central government. Competing branches of government, namely the legislature and the judiciary, and municipal governments, as well as the civic sector, will require substantial aid.

Foreign democratic assistance, spread broadly throughout the country, is needed to advance the consolidation of democracy, reduce polarization and guard against possible backsliding.

MAJOR R. OWENS, M.C.

MR. SPEAKER, as the U.S. Representative from the 12th Congressional District that is home to one of the largest Haitian-American communities in the United States, I am outraged at the news that Haiti's first freely and democratically elected President, Jean-Bertrand Aristide, was ousted yesterday by a military coup. I am particularly angered because despite the fact that the United States Government has one of the better information, monitoring and espionage systems in the world, it apparently did not anticipate the coup in advance -- or so it is claimed.

Any lay person who has been following events in Haiti for the last 10 years would have known that Aristide's presidency was in danger as far back as January, when former Duvalierist henchman Roger Lafontant tried to overthrow interim President Ertha Pascal-Trouillot just before Aristide's February inauguration. They would have known that Haiti's all-powerful, notoriously corrupt military would react to Aristide's attempts to reform it by replacing generals from the Army High Command with younger officers more supportive of a democratically and freely elected government.

Our Government knew from Haiti's previous history of coups and counter-coups by military dictators and representatives of Haiti's wealthy, notably the former ruling Duvalier family, that Aristide would need a great deal of support from the U.S. to maintain control over his fledgling democracy. What Aristide got instead

Congressman Major Owens/Extension of Remarks 10/1/'91

was a "scolding" from our Government when in April he detained the former interim President Pascal-Trouillot due to her role in the attempted coup by Roger Lafontant. According to the Washington Office on Haiti, a Washington, D.C.-based Haitian policy and information organization, "The U.S. Embassy in Port-au-Prince, ignoring diplomatic protocol, issued a press statement expressing its concern over (Pascal-Trouillot's) arrest and called on the Government of Haiti to abide by international norms regarding human rights. Privately, State Department officials expressed outrage over the incident, suggesting that it was political persecution rather than a genuine, judicial investigation. Shocked that 'they had not received advance notice', the State Department indicated that the incident threatened to eliminate any goodwill which had thus far been demonstrated. One early casualty was the cancellation of a visit to the U.S. by President Aristide since the State Department could no longer guarantee any meeting between Presidents Aristide and Bush." The Washington Office on Haiti adds that U.S. aid to the island nation was briefly held up due to "conditions" placed on the aid which the Aristide government objected to.

In short, Mr. Speaker, our Government did not help the admittedly shaky democratic government in Haiti because it was a government that the U.S. could not control. It was not a military puppet regime or a callous family dynasty propped up by our Government, as was the case with previous Haitian regimes. It was

Congressman Major Owens/Extension of Remarks/10/1/'91

a progressive government elected by the nation's people. And as we know from past U.S. policies toward Grenada and Nicaragua, our Government does not like, and will not assist, the governments of countries, especially those "in its own backyard", who will not allow our country to dictate its policies, its relations with other nations, its day-to-day internal affairs. Thus Haiti was a victim of our Government's not-so-benign neglect.

Today the U.S. Government suspended \$84 million in economic and food aid to Haiti, along with \$1.5 million in non-lethal military aid, in retaliation for the coup. That is like closing the barn door after the horse is gone. Bush Administration sources have told the Associated Press that it "is prepared to use maximum political, diplomatic and economic pressure to reverse Monday's coup in Haiti". But "maximum" assistance was needed well before the coup to protect President Aristide's government from the military, the Duvalierists, and elements of the Ton-Tons Macoutes, the Duvalier's outlawed militia, whom some in Haiti say are ultimately behind yesterday's overthrow.

If the Bush Administration really wants to help the forces of democracy regain a foothold in Haiti, it should refuse to extend any diplomatic recognition to this latest military junta; insist on unequivocal respect for the Haitian people's expression of their own political will in the democratic election of President Aristide last December; demand the restoration of the democratically elected government of President Aristide; and respect the right of the island nation to self-determination and political autonomy.

CHRONOLOGY OF EVENTS IN HAITI SINCE ARISTIDE COUP

1. Haitian President Jean-Bertrand Aristide overthrown in a military coup, September 30, 1991. Flees to exile in Venezuela with the help of U.S. officials in Haiti.
2. General Raoul Cedras, the leader of the coup, announces that he is in charge, and alleges that Aristide was overthrown for being undemocratic and for perpetrating human rights violations.
3. In the weeks following the coup, troops loyal to the military junta patrol the streets of poorer neighborhoods of the capital and at least two smaller cities, spraying crowds with machine gun and rifle fire. Victims have included pro-Aristide demonstrators and those preparing to participate in demonstrations, and random victims of indiscriminate gunfire. The National Coalition for Haitian Refugees estimates that more than 200 persons were murdered in the first few days after the coup, although some cite a higher figure (the French Embassy in Port-au-Prince said 1200).
4. Silvio Claude, the president of the Haitian Christian Democratic Party, was attacked in a crowd and "necklaced" (burned to death by a flaming tire placed around his neck) in the aftermath of the coup. No one knows who did it, and no arrests have been made. Duvalierist Roger LaFontant, ex-director of the Ton Tons Macoutes, was killed in a Haitian prison where he had been held after his unsuccessful 1990 coup attempt. Again, no one knows who did it, although General Cedras claimed that Aristide gave the order to have LaFontant killed.
5. Supporters of Aristide go into exile away from Haiti, or go into hiding on the island. Aristide's cabinet members go into hiding. Port-au-Prince Mayor Evans Paul is arrested at a Haitian airport October 7, severely beaten, and released. Paul was trying to go to Venezuela to meet with Aristide.
6. On October 7, the Haitian legislature is forced by armed military men to select Joseph Nerette, a Haitian Supreme Court Justice, to be Haiti's provisional President until elections are held for a new President between 45 and 90 days after the coup, in accordance with Haiti's Constitution. Nerette selects Jean-Jacques Honorat, a former human rights activist, as his Prime Minister.
7. On October 8, the OAS votes to impose a trade embargo against Haiti. The Bush Administration cooperated with the embargo, which exempts humanitarian aid such as medicine, food and air travel, but did not impose a separate U.S. trade embargo until mid-October. The U.S. embargo took effect November 5th.
8. The OAS embargo begins to take its toll on Haiti toward the end of October as the island begins to run out of gasoline and other oil products, among other critical supplies. Economic

Haiti Chronology/Post-Aristide coup

experts say the embargo will have even greater impact around mid-November.

9. Despite the international embargo, Haiti's military tightens its grip on the country. It shuts down or threatens radio stations, Haiti's main source of news for a people who are largely illiterate. Soldiers search the homes of several leading Haitian businessmen and economists who opposed the coup.

10. During the week of November 11th, an OAS delegation goes to Haiti to negotiate Aristide's return. Hundreds of Haiti's elite turn out to demonstrate against the delegation at the airport and at the hotel where it is staying, and are given free rein by the military. On November 13th, Aristide supporters attempting to meet with the delegates are forcibly prevented from doing so. On November 12th, journalists covering a pro-Aristide student demonstration, at which 50 to 80 students were arrested, are detained, including a Voice of America reporter from its Creole language service.

#

#

#

TESTIMONY OF CONGRESSMAN MAJOR OWENS
BEFORE THE HOUSE SUBCOMMITTEE ON INTERNATIONAL LAW,
IMMIGRATION, AND REFUGEES
NOVEMBER 20, 1991

MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE, THE BUSH ADMINISTRATION'S TREATMENT OF HAITIAN REFUGEES CONSTITUTES A DAVID DUKE POLICY, A RACIST POLICY WHICH TREATS BLACK HAITIAN REFUGEES WITH MORE CRUELTY THAN ANY OTHER GROUP OF PEOPLES WHO HAVE FLED THEIR NATION FOR OUR SHORES SEEKING SAFETY AND PROTECTION FROM DICTATORIAL REGIMES. AS THE REPRESENTATIVE OF THE TWELFTH CONGRESSIONAL DISTRICT WHICH HAS THE SECOND LARGEST HAITIAN-AMERICAN POPULATION OUTSIDE OF MIAMI, I AM APPALLED AT OUR GOVERNMENT'S SAVAGE AND INHUMANE POLICY TOWARD HAITIAN BOAT PEOPLE.

ON MONDAY, THE BUSH ADMINISTRATION DECIDED TO SEND THE MORE THAN 1,300 HAITIAN REFUGEES WHO HAD BEEN INTERDICTED AT SEA BY THE U.S. COAST GUARD, AND HELD ON COAST GUARD CUTTERS AT SEA FOR WEEKS, BACK TO HAITI, WHERE THEY WILL UNDOUBTEDLY FACE INTIMIDATION, POSSIBLY EVEN DEATH, AT THE HANDS OF THE MILITARY THUGS WHO OVERTHREW HAITI'S POPULARLY ELECTED PRESIDENT JEAN-BERTRAND ARISTIDE SEPTEMBER 30TH. MANY HAVE ALREADY ARRIVED AT PORT-AU-PRINCE, WHERE THEY WERE GREETED BY RED CROSS OFFICIALS AND GIVEN ABOUT SEVEN DOLLARS, WHICH IS BARELY ENOUGH TO COVER BUSFARE HOME ON THE INCREASINGLY RARE HAITIAN BUSES.

CONDITIONS ON THE COAST GUARD CUTTERS WHERE THE HAITIAN REFUGEES WERE HELD WERE HORRENDOUS. HUNDREDS WERE PACKED ONTO SHIPS THAT ARE MEANT TO HOLD ONLY A FEW DOZEN PEOPLE. THEY WERE FORCED TO SLEEP ON THE DECKS OF THESE SHIPS, MEN, WOMEN AND

Congressman Owens/Immigration Policy Hearing/11/20/'91

CHILDREN, UNDER VARIOUS KINDS OF WEATHER. THE CAPTAIN OF ONE BOAT THAT WAS INTERCEPTED BY THE COAST GUARD EVEN CHAINED THE REFUGEES TO HIS BOAT, AFTER COAST GUARD AND IMMIGRATION AND NATURALIZATION SERVICE OFFICIALS WARNED HIM ABOUT LETTING THEM ESCAPE. WHEN CONFRONTED WITH THIS FACT, OF COURSE, THE INS SAID, "WE DIDN'T CHAIN THEM. THEY WERE CHAINED BY THE CAPTAIN OF THE SHIP." IN 1991 IN THE UNITED STATES OF AMERICA, WE HAD BLACK PEOPLE CHAINED LIKE SLAVES ON SHIPS IN A UNITED STATES PORT AS A RESULT OF AN ORDER GIVEN BY THE U.S. GOVERNMENT. WHAT WE HAVE HERE ARE AUSCHWITZ AND BUCHENWALD CONCENTRATION CAMP CONDITIONS ON THE HIGH SEAS.

ONLY HAITIAN REFUGEES HAVE ELICITED SUCH BRUTAL TREATMENT. THOUSANDS OF REFUGEES FROM EASTERN EUROPEAN COUNTRIES, FROM CUBA, FROM CENTRAL AMERICA, COME TO THE UNITED STATES AND ARE WELCOMED WITH OPEN ARMS. BUT IN THE HAITIANS' CASE, THE STATE DEPARTMENT AND THE INS ALWAYS DESIGNATES THE BOAT PEOPLE AS "ECONOMIC REFUGEES" AND SENDS THEM BACK TO HAITI IMMEDIATELY, IGNORING THE FACT THAT POLITICAL OPPRESSION UNDER SUCCESSIVE PUPPET GOVERNMENTS AND MILITARY REGIMES FORCED HAITIAN PEOPLE TO FLEE TO THIS COUNTRY -- REGIMES THAT THE U.S. HAS SUPPORTED AND PROPPED UP IN THE FIRST PLACE. I CAN ONLY CONCLUDE THAT THE U.S. GOVERNMENT'S INHUMANE AND EXCEPTIONAL TREATMENT OF HAITIAN BOAT PEOPLE STEMS FROM THE FACT THAT THEY ARE BLACK.

THE GOVERNMENT'S POLICY TOWARD HAITIAN REFUGEES IS BASED ON AN AGREEMENT WHICH BECAME LAW IN 1981 BETWEEN THE U.S. AND HAITI'S THEN RULING DICTATORS, THE DUVALIERS. THE AGREEMENT PERMITTED THE

Congressman Owens/Immigration Policy Hearing/11/20/'91

U.S. COAST GUARD TO INTERDICT BOATS ON THE HIGH SEAS AND TO RETURN UNDOCUMENTED PASSENGERS TO HAITI. U.S. AID TO THE HAITIAN GOVERNMENT WAS PARTIALLY CONDITIONED ON HAITIAN COOPERATION WITH U.S. EFFORTS TO CONTROL ILLEGAL IMMIGRATION. HAITIAN MIGRANT IMMIGRATION OPERATIONS WERE EVEN EXEMPTED FROM THE U.S. 1987 AID SUSPENSION FOLLOWING THE HAITIAN MILITARY'S MASSACRE OF HAITIAN CITIZENS WHO WERE ATTEMPTING TO ELECT A CIVILIAN GOVERNMENT THAT NOVEMBER. THE U.S. CONTINUED TO RECEIVE COOPERATION FROM THE HAITIAN MILITARY AND PUPPET REGIMES THAT REPLACED THE DUVALIERS DESPITE THE CUTOFF OF OTHER AID.

ALTOGETHER THE U.S. HAS INTERDICTED 22,651 HAITIANS AT SEA SINCE THE PROGRAM BEGAN, WITH THE HIGHEST NUMBER, 4,614 IN 1988. THE LOWEST LEVEL OF INTERDICTIONS IN SEVEN YEARS TOOK PLACE LAST YEAR AFTER ARISTIDE'S ELECTION, A TIME WHEN THE HAITIAN PEOPLE FINALLY HAD HOPE THAT THEIR FREELY ELECTED DEMOCRATIC PRESIDENT AND GOVERNMENT HERALDED THE DAWNING OF A NEW DAY. IN THE MONTHS FOLLOWING THE ELECTION, THE U.S. COAST GUARD REPORTED THAT NOT A SINGLE HAITIAN REFUGEE BOAT HAD BEEN ENCOUNTERED.

OF THE 22,651 HAITIANS INTERDICTED IN TEN YEARS, LESS THAN A DOZEN HAVE BEEN ALLOWED INTO THE U.S. TO APPLY FOR POLITICAL ASYLUM. IT IS CLEAR THAT THE BUSH ADMINISTRATION DOES NOT WANT THEM HERE, CLAIMING THAT IT FEARS AN UNCONTROLLABLE FLOOD OF TENS OF THOUSANDS OF HAITIANS TO SOUTH FLORIDA. BUT THERE IS NO REASON WHY HAITIAN REFUGEES MUST BE CONFINED TO SOUTH FLORIDA; SURELY THERE ARE OTHER STATES THAT COULD HELP THEM.

THE BUSH ADMINISTRATION'S ATTITUDE TOWARD THE HAITIANS WAS

Congressman Owens/Immigration Policy Hearing/11/20/'91

PARTICULARLY EVIDENT LAST FRIDAY, WHEN THE VOICE OF AMERICA BROADCAST AN APPEAL TO HAITIANS TO STAY HOME. BUT THE NUMBERS OF HAITIANS TRYING TO MAKE IT TO OUR COUNTRY BY BOAT JUMPED TO NEARLY 1,800 OVER THE WEEKEND, AND A STATE DEPARTMENT SPOKESPERSON SAID THE MESSAGE APPARENTLY DID NOT HAVE THE DESIRED EFFECT.

GIVEN THAT A SERIES OF U.S. GOVERNMENTS HAD A HAND IN CREATING HAITI'S PUPPET CIVILIAN REGIMES AND MILITARY REGIMES, SUPPORTED THEM, GAVE THEM MILITARY AID AND TRAINING, WE HAVE A SPECIAL OBLIGATION TOWARD THE HAITIAN REFUGEES. THEY ARE THE HARVEST THAT YEARS OF MISGUIDED U.S. POLICY TOWARD HAITI REAPED. THEY ARE THE RESULT OF OUR GOVERNMENT'S WINKING OR LOOKING THE OTHER WAY AS HAITI'S DICTATORS OPPRESSED THEIR OWN PEOPLE AND PLUNDERED THE RESOURCES OF THEIR OWN COUNTRY, OFTEN WITH OUR GOVERNMENT'S ASSISTANCE. WE MUST CHANGE OUR HAITIAN IMMIGRATION POLICY, IMMEDIATELY SUSPEND DEPORTATIONS AND EXCLUSIONS AND GIVE HAITIAN REFUGEES TEMPORARY PROTECTED STATUS UNTIL THE CURRENT CRISIS IN HAITI IS RESOLVED, AND ARISTIDE IS RESTORED TO HIS RIGHTFUL PLACE AS HIS COUNTRY'S PRESIDENT. WE MUST DENOUNCE THE DAVID DUKE IMMIGRATION POLICY WHICH SAYS, IN EFFECT, "WHITES ONLY, BLACK HAITIANS NEED NOT APPLY".

#

#

#

AMERICAS WATCH

A DIVISION OF HUMAN RIGHTS WATCH

TESTIMONY OF KENNETH ROTH

ACTING EXECUTIVE DIRECTOR OF HUMAN RIGHTS WATCH

before the

SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS

of the

HOUSE FOREIGN AFFAIRS COMMITTEE

July 21, 1993

Thank you Chairman Torricelli for inviting me to testify before this Committee today. This is a critical time in Haiti's history, and I commend you for your foresight in selecting this moment to examine the progress that has been made toward restoring democracy and respect for human rights in Haiti, and to highlight the important steps that remain to be taken.

My name is Kenneth Roth. I am acting executive director of Human Rights Watch, and I appear here today on behalf of Americas Watch, one of the five regional divisions of Human Rights Watch. I have followed events in Haiti closely for the past six years. I have testified on Haiti several times before this Committee and its counterpart in the Senate. I have also published extensively on Haiti -- both as editor or writer of the many reports issued by Americas Watch and the National Coalition for Haitian Refugees over the past six years, and as the author of various articles on Haiti.

With the July 3 signing of the Governors Island accord by President Jean-Bertrand Aristide and General Raoul Cédras, we can realistically hope for the first time in nearly two years that Haiti's legitimately elected president will soon return to the Presidential Palace. The United Nations envoy, former Argentine Foreign Minister Dante Caputo, deserves special commendation for his tireless efforts to resolve Haiti's political crisis. The United States, through the work of Lawrence Pezzullo and the commitment of the

Clinton Administration and concerned members of Congress, also deserves much of the credit for the progress that has been made.

The Unresolved Issue of Accountability For Gross Human Rights Abuses

Yet the Governors Island accord leaves certain key matters unresolved, the most important being the issue of accountability for widespread killing, beating and arbitrary detention since the September 1991 coup. Establishing accountability for these gross abuses must be a central part of any effective resolution of the political crisis, not only as a matter of legal and moral duty to the victims, but also to demonstrate to future military leaders that these crimes cannot be committed with impunity. If the Haitian army pays only a token price for imposing a reign of terror, it will not hesitate to rise up again when it next feels that its opportunities to trade in corruption, contraband and drugs are being threatened. If once more we fail to address the gross abuses of Haiti's recent past, I fear that the tremendous efforts made to resolve this latest Haitian political crisis will yet again be for naught.

The short-lived Washington accord of February 1992 foundered on exactly this issue. Continuing US policy of the 1980s, the Bush Administration discouraged efforts to establish accountability for past abuses in times of political transition, preferring the quick installation of an elected government to the difficult but indispensable parallel effort needed to solidify genuine democratic rule of establishing the rule of law and respect for human rights. President Aristide's legitimate interpretation of the Washington accord to permit bringing to justice the mass murderers in the Haitian army thus met silent abandonment by the US government. (The Washington accord granted an amnesty "except for common criminals"; President Aristide correctly interpreted this provision as authorizing the pardoning of political crimes against the state, such as mere participation in the coup, but permitting prosecution of common crimes against individuals, such as murder, even if those crimes were politically motivated.)

An Opportunity to Demonstrate the Clinton Administration's Commitment to Accountability

The Governors Island accord provides the first opportunity for the Clinton Administration to break with the misguided aversion to establishing accountability for past gross abuses that has dominated US foreign policy for the last twelve years. President Clinton has a chance to show that his commitment to democracy is not the superficial policy of prior administrations: promoting elections but ignoring serious abuses that nonetheless continue at the hands of armed forces that remain exempt from the rule of law. Rather, Haiti allows President Clinton to

demonstrate that when he speaks of democracy he understands the deeper significance of the term -- an elected government that is able to establish control over all official forces by subjecting them to the rule of law, including by punishing them for serious violations of human rights.

The Clinton Administration's position on this issue is of critical importance because, like the Washington agreement before it, the Governors Island accord is deliberately vague on the issue of accountability for gross abuses. How that ambiguity is interpreted, and whether the US government is willing to support efforts to establish accountability for mass murder and torture, will determine whether in a year or two we will again be sitting here puzzling over how to remove yet another military dictatorship in Haiti.

The Governors Island accord commits President Aristide and the legitimate Haitian legislature to enacting an amnesty "within the framework" of Article 147 of the Haitian Constitution. Article 147, in turn, permits amnesty "only for political matters as stipulated by law." As in the case of the Washington accord, this provision would clearly authorize amnesty for political crimes against the state. But the army will undoubtedly also press for an amnesty for all violent abuses committed since the coup, on the grounds that killing, beating and detaining innocent civilians should be considered political crimes because they were designed to prevent the outbreak of an organized pro-Aristide or anti-military movement.

The US government should make every effort to help President Aristide resist this challenge to fundamental human rights principles. While the state is certainly empowered to pardon crimes against itself, it has no right to issue blanket amnesties of gross abuses against individuals, regardless of motivation. Indeed, the state has a clear duty under international law to prosecute such abuses.

Haiti as an Ideal Opportunity to Break The Pattern of Military-Imposed Amnesties

Some proponents of a blanket amnesty for the Haitian army have cited the mixed history of prosecutorial efforts elsewhere in the hemisphere as justification for dispensing with such efforts in Haiti. While there have been important prosecutorial successes against gross abusers in Latin America -- in Argentina, Bolivia and Paraguay, for example -- similar attempts in many countries have been stymied by army pressure. Yet it is defeatism to elevate that coerced history into a virtue, particularly given the backdrop of US opposition to such prosecutorial efforts, which for twelve years emboldened Latin American armies to insist on amnesties as a condition for relinquishing power. Given the tremendous US influence

throughout the hemisphere, it is historicism to suggest that the Clinton Administration could not improve on this record with vigorous support for efforts to bring gross abusers to justice.

Haiti is the ideal country to break the pattern of military-imposed amnesties because the Haitian army is extremely weak, the consequences for the army of failing to secure a blanket amnesty are not immediate, and the army may see certain advantages in forsaking a formal amnesty because reestablishing the rule of law is critical to easing the army's legitimate fear of summary popular retribution. While there is a tendency to regard the Haitian army as a formidable power, in fact it is a divided, poorly equipped force of 7,000, facing a largely hostile population of six million. Its necessarily tenuous grip on power makes it exceptionally vulnerable to international pressure when that pressure is forcefully and consistently applied. Indeed, within weeks of it becoming clear that the international community was willing to impose targeted economic sanctions against the army and its backers, a political accord was quickly struck. Americas Watch has long insisted that similar international resolve to oppose impunity for the horrendous abuses committed since the coup would deter the army from standing in the way of efforts to establish accountability for these crimes.

In the case of Haiti, army resistance is also likely to be less intense because rejection of a blanket amnesty does not mean that mass murderers in the army will immediately be sent to prison. President Aristide has publicly recognized that the weak and corrupt Haitian judiciary is currently incapable of conducting fair trials of military leaders. Since the purpose of establishing criminal accountability is not solely to achieve retribution but also to establish the rule of law, it is crucial that prosecutions not proceed until full due process rights can be guaranteed. At some future date, however, Haiti should be able to establish a professional and independent judiciary. At that stage, the Haitian people -- freed of the need to deliberate under the barrel of a gun -- should be permitted to debate the difficult question of whether to proceed with prosecutions. The US government should ensure that this issue is not preemptively resolved by army fiat.

Efforts should also be made to show the army that establishing the rule of law would make an important contribution to avoiding a cycle of violent retribution. Every Haitian army commander remains painfully conscious of the periodic lynchings of perceived repressors that have scarred Haiti's recent history -- most recently in response to the thwarted attempt in January 1991 to block Father Aristide from assuming the presidency following his resounding victory at the polls the month before. The US government should make clear to army commanders that a formal amnesty for human rights crimes (as opposed to a de facto

moratorium on prosecutions because of deficiencies in the judiciary) would only invite summary retribution, by signaling to the Haitian people that there is no rule of law in Haiti to which they can turn for redress. If there is no legal price to pay for the crime of slaughtering one's political opponents, the Haitian people will be tempted to take it upon themselves to exact revenge. At the same time, the Haitian army must be reassured that, because of the importance of establishing the rule of law, the US government strongly opposes any trials, now or in the future, that are conducted with anything less than strict compliance with due process standards.

I recognize that a Haitian judiciary capable of meeting international standards of justice is still a distant dream. While justice definitively denied, through a formal amnesty for human rights crimes, is a recipe for further violence, justice substantially delayed will not be terribly satisfying for a people that has suffered so bitterly. In the interim, the US government should promote alternative forms of accountability. The Salvadoran peace process provides a useful precedent in this regard. An effort akin to the Salvadoran Truth Commission should be established under the auspices of the United Nations and the Organization of American States to investigate and acknowledge officially the cruelty inflicted by the Haitian military. (As part of its praiseworthy efforts in Haiti, the UN/OAS Human Rights Mission issues reports on current violations which will be helpful in this regard.) Whenever individual responsibility can be reliably established, perpetrators should be identified by name. Similarly, like the process begun by the Salvadoran Ad Hoc Commission, the international community should ensure that those who committed and presided over the appalling number of murders, beatings and arbitrary detentions since the coup are identified and dismissed from the military.

Accountability Before Military Training

It is essential that those members of the Haitian army who are responsible for gross abuses be purged from the military before it receives aid and training. There is, of course, broad agreement in the international community and among democratic forces in Haiti that the army must be professionalized. There is also agreement that professionalization should include separating the army from the police as required by the Haitian Constitution, purging the armed forces of their abusive elements, and training their members so they begin to act consistently with the role of a security force in a democratic society. Yet there is not yet consensus on the timing of these steps, particularly when training should take place in relation to a purge of gross abusers. The Governors Island accord addresses this issue only by providing that international assistance in this area depends on the consent of the constitutional government of Haiti.

In addition to purging gross violators from the Haitian army, the infamous section chiefs -- uniformed and non-uniformed adjuncts of the army who have committed many of the violations against rural civil society with the army's explicit backing -- must be abolished. President Aristide abolished these section chiefs during his brief tenure in office, and replaced them with popularly-supported civilian representatives. The moment he was ousted, the army reinstated its abusive paramilitary infrastructure. If human rights are to be protected in Haiti, it is essential that the section chiefs again be disbanded and abusers among them brought to justice.

The US government seems especially anxious to send in military trainers as soon as a prime minister chosen by President Aristide takes office following confirmation by the legitimate members of the legislature. Americas Watch strongly opposes such training until a substantial purge of gross abusers from the army is completed. The US government has a long, sad history of sending its trainers to reform abusive armies only to see them become complicit in ongoing abuses. A case in point is the US-trained Atlacatl Battalion in El Salvador, which was responsible for some of the worst atrocities of the decade, beginning with the El Mozote massacre in 1981 and including the murder of the Jesuits in 1989. The failure is less the fault of the trainers than of the context in which they were forced to function. No message from the head of a classroom, no matter how eloquently delivered, will prevail over the lesson of impunity that is shouted every day that those responsible for murder and torture retain their positions in the armed forces. Indeed, at a moment when the Haitian army as a matter of "security" remains committed to silencing pro-Aristide demonstrations through violence and intimidation, US blessing of the military through the dispatch of trainers would be a disaster. Instead, the clear and consistent message delivered from Washington should be that the Haitian army will never achieve respectability -- and resulting access to aid and training -- until, at minimum, it respects human rights and cleans its own house of those who are responsible for serious violations.

It is worth noting that, although Gen. Cédras has agreed to step down as part of the Governors Island accord, other leaders of the armed forces have yet to state their intentions to retire. For example, Michel Francois, the Port-au-Prince police chief who many observers believe led the coup against President Aristide, told reporters that he supported a revamped, non-military police corps but did not plan to step down. In a July 18 *Miami Herald* article, Francois stated, "I can give my collaboration to a new force of police, but you are not going to kick me out....Who is going to form, to educate the others who are coming?" Francois continues to direct the attacks against pro-Aristide demonstrators in Port-au-Prince.

Protecting Civil Society as a Critical Element of Democracy Building

The rush to send in the trainers also reflects a possible shortcoming in the Clinton Administration's new and developing policy of democracy building, which the case of Haiti provides an important opportunity to correct. The Administration is, of course, correct that lasting democracy and respect for human rights requires institutional reform. The values that we all share will not be secure until Haiti has an independent judiciary which respects due process standards, a set of prosecutors who are committed to vigorous investigation and prosecution of gross abuses of human rights, and a cadre of soldiers and police officers who are committed to serving civilian government rather than imposing their will upon it. Yet one cannot achieve these goals in a political vacuum. Even the best set of trainers will not succeed in reforming Haitian institutions without political support for the process from within Haiti itself.

I have no doubt that the Haitian people, if given the opportunity, would voice strong support for institutional reform. Yet for almost two years, vicious repression directed at virtually all organized opposition to military rule has prevented their voice from being heard. Indeed, to this day, the Haitian army, while on the one hand endorsing the Governors Island accord in the form of the signature of General Cédras, is suggesting that it will not tolerate independent public demonstrations. This vow continues a policy in effect since the coup of suppressing Haiti's vibrant and diverse civil society -- the many peasant associations, development projects, church groups, trade unions, and associations of students and women that blossomed in the years since Duvalier's fall and which served as the popular engine behind the election of President Aristide. The army correctly understands that continuing to repress civil society will deprive the Aristide government of the organized public backing that it needs to undertake difficult reforms.

The Clinton Administration should not tolerate the army's vision of a circumscribed elected government. As the recent reversal of Guatemalan President Serrano's self-coup illustrates, civil society has a vital role to play in building and defending democracy and respect for human rights. The Clinton Administration should make clear that, unlike the dominant policy of the last twelve years, the US government does not judge a self-proclaimed democracy simply by the existence of an elected government, or even (in an important addition to that policy already made by the Clinton Administration) by the existence of independent institutions of government such as an effective judiciary. Rather, the Clinton Administration should show that it also values the existence of a healthy civil society, and believes that organized, independent voices play a critical role in the process of democracy building.

Accordingly, Washington should demand a halt in the serious human rights abuses that are impeding the emergence of civil society -- not as a long-term goal to be achieved once institution building is completed, but as an immediate prerequisite to the realization of President Clinton's policy of promoting democracy. The easing of economic and diplomatic pressure should be tied not simply to certain formal changes in the structure of the Haitian government, but also to an end to the murder, beating and arbitrary detention that the Haitian army continues to direct against most forms of organized dissent.¹

Preventing an Outbreak of Popular Violence

One apparent factor behind the seeming hesitancy to make the protection of civil society a central element of US policy in Haiti is fear that popular demonstrations may lead to an outbreak of popular violence. Indeed, some seem to believe that a weakened President Aristide -- without the backing of a population that enjoys full exercise of its freedom of expression and association -- would be useful for preventing an outbreak of popular violence. In light of Haiti's history, concerns with popular violence are hardly theoretical. Yet it would be tragic if the solution to the problem were seen to be continued repression or an unreformed military.

Americas Watch endorses efforts to deter popular violence through the presence of UN-OAS monitors, the deployment with the consent of the legitimate government of an international police force, and the vigorous prosecution of offenders. As noted above, we also believe that a key element in dissuading Haitians from summarily imposing "justice" in the streets is to keep open the possibility that their abusers will be brought to justice in the courts. An expeditious purge of abusive elements of the army and the beginning of a credible process to investigate and acknowledge the army's crimes would also be extremely helpful. President Aristide, as he has from exile, should also continue to speak out against popular violence and to use his tremendous

¹ In one representative case just before the Accord was signed, a pro-Aristide demonstration in Cite Soleil was broken up by the army on June 28. Soldiers attacked the protesters and arrested five people, including Vesnel Jean-Francois. Vesnel was reportedly so badly beaten during his subsequent detention that he was unable to stand up during his hearing before a judge. He was then sent to a military hospital where he was treated for a broken arm, broken fingers and other injuries. Before his arrest, Vesnel had been concerned that his efforts to establish a community pharmacy might lead to his arrest by the army. In October 1992 and March 1993 he applied for asylum at the U.S. Embassy, but was rejected both times. He is now in hiding.

moral authority with the Haitian people to prevent future outbreaks of such violence.

Yet all of these efforts threaten to be for naught if, despite the political progress represented by the Governors Island accord, the Haitian people continue to experience severe repression in their day-to-day lives. The notion that popular violence can be contained through ongoing official violence is naive and profoundly misguided. Once more, the best guarantee that Haiti can advance beyond the horrendous political violence of the past two years is an immediate end to that violence and the beginning of a process of accountability for those who have been responsible for it.

WASHINGTON OFFICE ON **HAITI**

**Statement of Claudette Werleigh
Executive Director, Washington Office on Haiti
to the Western Hemisphere Affairs Subcommittee
July 21, 1993**

I would like to thank the members of this subcommittee for inviting me to testify on the question of the restoration of democracy in Haiti. I speak to you today as a Haitian woman who has worked for 19 years alongside my fellow Haitians for democracy, justice, and development, and who, as current director of the Washington Office on Haiti, is constantly in touch with developments in Haiti. The perspective of the Haitian people has often been excluded in debates about Haiti's future, while clearly it should be central to them. We all must seek ways to allow the voices of the Haitian people to be heard and to be central in this process of restoring democracy.

The restoration of democracy in Haiti is the focus of recent agreements such as the Governors Island accord and the New York Pact this past weekend. The Haitian people have struggled for years to build democracy. In 1986 they finally succeeded in ousting the Duvalier dictatorships; in 1987 they participated in drafting, and then passed in a democratic vote, a new Constitution; in December of 1990 they held the first free and fair elections in Haiti's history, voting into office Jean-Bertrand Aristide as our first democratic leader. All of these steps towards democracy, and many smaller ones, were taken by the Haitian people at great risk and at the cost of much suffering and death. In efforts to restore democracy to Haiti, the international community should honor and respect the profound commitment and courage shown by the Haitian people to democracy and justice in their homeland.

What do the Haitian people mean when they talk of restoring democracy? What we are struggling for is:

- The right to feel safe, to have our physical and psychological integrity as human beings respected.
- The right to a functioning system of justice which guarantees this security.
- The ability to express our opinions, to meet together and work together to resolve the political, social and economic problems which confront our communities and nation.
- The ability to elect our own leaders, and to have our choices respected.
- Access to education, health care, and basic services.
- Equal opportunity to find jobs and earn a living

- A government and an economy free of corruption.

What has the negotiation process, and the accords signed to date, achieved towards restoring this vision of democracy? The Governors Island Accords will be a step in the right direction only if the interests of the majority of the Haitian people are always considered in their implementation. But the accords alone will not achieve the restoration of democracy. We are aware that President Aristide had to make a number of concessions under the framework of these accords. While we understand that and the Haitian people are deeply committed to the return of President Aristide, our first democratically elected leader, we remain committed to the vision of democracy outlined above.

Human Rights

I would like to focus on some key challenges the Haitian people currently face under the framework of the Governors Island Accords. The first and perhaps most fundamental challenge is the continuing denial of their human rights by the military regime. We must be clear on something. It is fiction to talk of the restoration of democracy in any society in which human rights are not respected. Respect for basic human rights is the prerequisite -- it is the soil in which democracy grows.

Unfortunately, the Governors Island Accord makes no specific mention of this fundamental condition for restoring democracy. This is a severe shortcoming. Nowhere does the Accord state that the military must stop breaking up peaceful demonstrations, must stop beating and torturing people, must stop raping women and assassinating people as a condition for the international sanctions to be lifted, as a condition for the oil embargo to be lifted, or even as a condition to begin receiving U.S. military and economic assistance. I ask you on behalf of the Haitian people, why is respect for human rights not a fundamental part of these accords?

Under such a framework, we should not be surprised that even to this day the Haitian military continues its widespread repression. During the negotiations on Governors Island and since the signing of the Accord the military has maintained its horrendous level of human rights abuses. Let me share with you a few of the most recent violations:

- On June 27, the day on which the Governors Island talks began, police attacked, beat and illegally arrested worshippers at a nationally televised mass in Port-au-Prince.
- On July 7, (4 days after the signing of the accords) Haitian soldiers attacked a group of peaceful demonstrators in the shanty town of La Fossette, Cap-Haitien.
- On July 10, soldiers attacked a peaceful demonstration by approximately 30 young people in support of President Aristide near

St. Jean Bosco Church in Port-au-Prince.

- On July 14 the OAS/UN Civilian Mission reports that at least one protester was shot and several others beaten during a demonstration in support of President Aristide in Cite Soleil, Port-au-Prince.

- The military regime originally refused to air a radio address by President Aristide, as agreed to during the Governors Island negotiations. Apparently the speech was only aired on the National Radio station after a delay of a week and at 3:00 am.

- In a July 10 article in the Washington Post coup leader General Raoul Cedras stated that he would continue to deny Haitians their fundamental rights, indicating that "it could be some time before Haitians can exercise such rights as the freedom to demonstrate."

- In a July 18 article in the Miami Herald coup leader Col. Michel Francois, Chief of Police, recognized as one of the main perpetrators of human rights violations in Haiti, justifies the continued repression by his soldiers and states his plans to be involved in the formation of a new police force.

- At the same time, the military has allowed and supported a number of pro-coup regime demonstrations in recent days.

When speaking of human rights violations we must remember the hundreds of blows with clubs and boots, the bullet wounds, the psychological wounds received by each of the victims. We must remember that the victims are often the courageous leaders of Haiti's democratic struggle. We must remember that perpetrators are members or attaches of the Haitian military, an institution whose entire historical purpose to date has been to deny democracy and basic freedoms to Haitians. If democracy is to be restored, such brutality must end today. A clear message should be sent that sanctions should not be lifted and international aid should not be delivered until violations cease. Precisely because the Accord does not mention human rights, it is imperative that previous resolutions already agreed upon by the OAS be implemented. President Aristide's government has formally requested the Interamerican Commission of Human Rights to send a mission to Haiti to improve the human rights situation there. This should be carried out immediately.

Amnesty

A second, related challenge facing the Haitian people is the question of amnesty. As Haitians, we want the same thing that any other citizen of the world wants, including the citizens of the the United States. It is not revenge we want, but recourse to a system of justice which functions, which can guarantee our rights and protect lives. Without such a system, and with continued impunity, the Haitian people know that social, political and economic development is just impossible.

The Constitution of Haiti (Article 147) is very clear on the question of amnesty. It gives the President the right to grant pardons "in political matters." Thus President Aristide can pardon the political crimes of the coup leaders who seized the legitimate power that the Haitian citizens had given him. But he cannot legally forgive common crimes like murder, rape, theft, and extortion that were committed after the coup. The Haitian constitution does not grant the President this power.

Accordingly, under the Governors Island Accords President Aristide has agreed to grant amnesty for the political crime of the coup against the state. Yet the Accord also permits the Haitian parliament to pass an amnesty law, one which we fear might grant a general amnesty for all common crimes committed since the coup. This is dangerous for several reasons.

Morally, we must remember that reconciliation normally comes after justice has been done. The military has yet to even recognize that it has done something wrong in killing three to five thousand people, violating women, and terrorizing children. If this is not clearly seen as wrong, why would the military ever admit to wrong in the future, or in "lesser crimes" such as drug trafficking to the U.S., for example?

On the social level, in order to insure peace and stability, each society gives itself a set of rules indicating what people are allowed and not allowed to do. Some things are disallowed because they are detrimental to others. There is global agreement on what constitutes violations of human rights. It is ironic that in the current negotiations, the Haitian people are being asked to abandon all principles of justice precisely at a time when the majority of them seek to establish Haiti's first just rule of law -- and at a time when this is a primary goal of most of the world's people.

On the political level, even a limited, political amnesty has far-reaching consequences beyond just putting an end to Haiti's political crisis. The message sent to other armies in Latin America is that the international community does not abhor a coup d'etat against a legitimate, democratic government. If the Haitian coup leaders pay no price, why should the army in Venezuela or elsewhere renounce such a practice?

At other times in history, similar situations were handled differently. Remember the coup d'etat against Gorbachev. Few ever proposed that the way for Germany and Europe to reestablish democracy was to forgive and forget the crimes of the Nazi regime and leave its legacy intact. Appropriately, trials in the cases of former Nazis are still ongoing. Why should there be different standards for Haiti, El Salvador, Colombia, or any other country when justice calls for accountability?

On the economic front, for over two decades poor people in

Haiti have been organizing collectively, pooling their resources, establishing their own credit unions, and building collective grain silos. It is precisely these initiatives which have been targeted and destroyed by the coup regime. Silos were destroyed across the country and crops stolen, livestock were slaughtered, homes and buildings ransacked and burned. One peasant organizations, the MPP (Mouvement Paysan Papaye), had over U.S. \$100,000 stolen from its safe by soldier just after the coup. Some of these funds came from international donors, but most came from membership dues of poor peasants who contributed fifty cents a week over 19 years. Tet Kole (heads together), IDEA, PRED, and countless other peasant and grassroots support organizations throughout the country met the same fate. It is difficult to evaluate the total economic cost of the coup, but how can we imagine that people will just start again?

After the departure of dictator Jean-Claude Duvalier and in particular during the Presidency of Jean-Bertrand Aristide, people, most of them poor, volunteered their time and skills freely. Roads were repaired, streets were maintained and cleaned. This allowed government funds to be used for other things. The fruits of this labor has been stolen from the Haitian people as well. Time spent working is indeed money which belonged to the poor!

If I were in the shoes of people who woke up at four in the morning to sweep and clean the streets, and continued with other community work under the hot sun without having had anything to eat, only to have the coup force a return to exploitative rule, I certainly would try to use my time in a wiser and more enjoyable way next time.

Without restoring accountable government, people will not regain the incentive to invest their time, energy, and money in the economy and Haiti's future. Haitians will see leaving their country as their only alternative.

Military Intervention

A third challenge I would like to address is the question of military intervention in Haiti. Although the Accord does not specifically call for military intervention, it does leave open the possibility of such an action under the auspices of the UN. Haitians are very clear on the fact that we want no military intervention in Haiti. Military intervention can not lead to the resolution of Haiti's problems. The only types of military assistance we would welcome are:

- first, assistance in identifying and removing from the military all those who are human rights violators, and preventing their inclusion in the new police force.
- second, assistance in creating and reinforcing civilian control over the military;
- third, assistance in creating a new role in Haitian society for the military, not just a new image. They should be involved in tasks essential to Haiti's wellbeing such as building

infrastructure, improving sanitation, reforestation, etc.

Participation of Haitian People in Negotiations

Finally, I would like to address the lack of participation of the Haitian people in the negotiations to restore democracy. Why has their voice been absent? The Haitian people were not asked to be a part of the political dialogue leading to the signing of the New York Pact this past weekend. The Pact claims to be between the "political forces" in Haiti. Yet as any student of Haiti knows the political parties in Haiti are quite weak, still developing and in general represent few people. The real representative organizations in Haiti, the real "political forces," are the civic organizations of peasants, workers, women, students, church workers, human rights activists and others. While the parties could achieve little, in two months time it was the broad coalition of such civic organizations which formed the core of the Lavalas movement and elected President Aristide. That is why these democratic organizations have been the target of coup repression. Since the coup there has been a systematic effort to repress and ignore the voices of the Haitian people. The discussions leading to the New York Pact unfortunately continued this trend, excluding rather than including the key political forces in Haiti. We must find a way to include the voices of Haiti's people.

Haitians have a number of concerns and doubts about the accords. They fervently want President Jean-Bertrand Aristide to return immediately, not after four more months of repression, torture, and death. They want General Cedras to step down immediately. While he is currently trying to improve his image internationally, his repression in Haiti continues. Haitians can not forget his involvement in overthrowing Haiti's first ever democratic government, and his oversight of perhaps the worst period of human rights violations in the country's history. They can not forget the new surge of corruption and drug trafficking under his reign. The Accord leaves the military with too much power for too long, and relies to greatly on their willingness to allow democracy's return. Police Chief Michel Francois is already claiming that he will be involved with forming the new police force and training its members. The Haitian people know the military well and do not trust them to implement the accords or be the arbiters of democracy in Haiti. International pressure on them remains vital. In addition, the Haitian people want the members of parliament who were illegally elected to step down and allow the Constitutional Parliament to be restored.

Conclusion

Unless democracy in its true form is reestablished in Haiti, including accountable government, basic respect for human rights, and the removal of the military from politics, then all of the international aid in the world will not lead to development and stability in Haiti. While a few will continue to profit greatly, corruption, impunity and repression will continue to undermine the

efforts of the Haitian people to effectively address their economic, social and political needs. The very existence of Haiti as a nation will continue to be imperiled.

We must be clear. Haiti's tremendous poverty is not due to any historically lack of physical and human resources. Rather it is due to a system of repression and corruption. This predatory system and the Haitian military are the chief causes of hunger, poverty and environmental degradation in Haiti. Leave its power and impunity intact, and these things will continue.

Nor will US interests be served by anything less than true democracy in Haiti. The U.S. is best served by a democratic and stable Haiti which is able to pursue economic and social development for its entire population. Any resolution to the current crisis which leaves impunity intact and a military involved in, or with veto power over, Haitian politics will only generate more poverty, more human rights violations, more environmental degradation and more refugees fleeing Haiti's shores. The Haitian people are aware of the great power of the United States in the world. We ask you to use that power to pressure for the restoration of our constitutional government and elected leaders without conditions, to pressure for the end of human rights abuses now and for the inclusion of the voices of the Haitian people in current political dialogue, and to stand against the legacy of military tyranny in Haiti.

Thank you.

CARIBBEAN LATIN AMERICAN ACTION

REBUILDING HAITI

The challenge for Haiti is not only to get over the economic destruction brought on by the embargo, but also to create an environment that will be favorable for new investment. This can only be achieved through a strong program involving the U.S. government, the Haitian government, and the private sector, foreign and domestic.

The following suggestions reflect comments coming in from the private sector over the last couple years, both post and pre-coup.

International Community's role:

- > Extraordinary and temporary tariff reductions on assembled products from Haiti.
- > The waiving of duties, visa requirements and quota until the level of exports reach pre-1991 levels.
- > Liberalized apparel quota in categories where Haiti is fully utilized or close to utilization of quota; i.e. Category 347/348 and Category 350.
- > United States could provide tax credits for investment in Haiti.
- > U.S. tax credits for training costs of Haitian workers
- > OPIC insurance coverage for U.S. facilities or equipment.
- > Low cost loans for capital projects.
- > The stationing of U.S. Customs in Haiti for pre-clearance
- > Federal agriculture employees in Haiti to facilitate the export of fruit.
- > The PL480 Program should be evaluated in light of the short supplies throughout the country.
- > Concessionary loans for companies previously located in Haiti to relocate
- > Some of the existing A.I.D. programs should be re-implemented as soon as possible. In particular:

- a) P.E.D. - a program working with the 60-70% small rural farmers for domestic and export crops.
- b) Ag-link - an integrated public relations, marketing, U.S. supplier, U.S. consumer and Haitian producer data base which supplies technical assistance to specific production areas (sisal, mangos, winter vegetables, melons, etc.)
- > Provide technical assistance to the Haitian Government, including advisors on the management of government agencies and offices.
- > Provide technical assistance to rebuild, replace and repair oil-fueled electrical generating plants (to provide more efficient power supply).
- > Strengthen the telecommunications system - urge immediate privatization of system. Will gain revenue for government and improve extremely poor service
- > Utilization of U.S. Army Corp. of Engineers to:
 - a) Dredge and clean out Hydro-electric dams that have been silted in (reduce reliance on oil)
 - b) Build and repair roads and bridges (decentralize manufacturing and allow farm production to reach city)
 - c) Field Hospitals (mass immunizations and general health care for urban and rural poor who have been stressed by embargo caused by food and medical shortages.)
 - d) Modernize the sewage system
- > Provide funding for public relations to convince foreign business community that there are safe opportunities for successful business operations in Haiti.
- > Provide training and a repair facility for government owned vehicles (fire, police, customs, etc.)
- > Agriculture and fisheries experts who are experienced with small plot farming and low-tech ocean fishing.
- > Help in building a national police force (move away from the army.)
- > Provide assistance in establishing a system of universal education both for children and adults.

Haitian Government's role:

Overall, there is a need to reevaluate the investment code to increase Haiti's competitiveness. Haiti must examine the incentives available in other countries of the region, and match or surpass them. Haiti is not the most wage competitive producer in the Caribbean Basin.

- > Extension of tax holiday for U.S. companies that have been producing in Haiti.
- > To help modernize factories and strengthen Haiti's competitive position, the government can, using international credits (therefore with no burden on the Treasury) acquire up-to-date machinery and equipment. An equipment bank, based on local requirements, could then be established from which companies could lease the machinery.
- > Allowing U.S. companies to have access to 100% of U.S. dollars they bring into Haiti.
- > Allow the Haitian gourde to float.
- > Approve and publish in "LeMoniteur" the agreement which allows OPIC to operate as a development bank in Haiti. Also, the government should complete all the membership requirements to allow the Multilateral Investment Guarantee Agency to operate in Haiti.
- > Approve Tax Information Exchange Agreement to allow 936 funds to work in Haiti
- > Revamp the Haitian labor code.
- > Streamline procedures for authorizing new investment.
- > Curtail any attempt to change the minimum wage in Haiti for at least one year.
- > Reduction of port charges to those competitive with the Dominican Republic and other Caribbean Basin ports
- > An immediate implementation of a "one-stop-shopping" office for the processing of export documentation - this center should operate on a schedule that corresponds to the hours of operation of the private sector.
- > Security assurances for plant personnel, including additional security precautions for non-Haitian management and their families.
- > Measures to be taken to insure adequate transportation to and from the factories.
- > Measures to be taken to insure uninterrupted electric service.
- > Either the Haitian government should reduce the amount it takes for social services, or steps should be taken to provide an actual return of services for withheld dollars.
- > There should be immediate steps taken to bolster the Department of Social Services and to insure that it enforces the labor code in an even-handed manner.

- > The judicial system must be strengthened so that foreign companies have an opportunity to receive equal treatment under law in Haiti.
 - > Set up an office to work exclusively on land entitlements and distribution.
-

General

- > Establish a clearing house in the U.S. with an 800 number to receive and handle inquiries for doing business in Haiti, including any potential availability for 807 work.
- > Hold White House event, perhaps with Aristide, which establishes the image of full faith and confidence of the U.S. government in the democratic future of Haiti. This would be intended to promote Haiti as a good place to do business and the primary participants would be selected business leaders from the potential investors community.

Question for the Record to Assistant Secretary Watson
House Foreign Affairs Committee
October 20, 1993

Question

1. What are the prospects for a popular pro-Aristide uprising? Is there a point at which there will be a total breakdown of order?

Answer:

I am not prepared to speculate. I would note however that in the 25 months since the coup d'etat we have not seen an uprising nor a generalized breakdown of order. What we have seen are selective acts of murder and intimidation which the military and police have at a minimum failed to control and in some cases appear to have condoned or instigated.

Question

2. How much of a factor are the Duvalierists? How reliant is the military on the Duvalierists?

Answer

Since the coup d'etat, many known Duvalierists have returned to Haiti. They have formed small fringe political parties. However, we believe they are a small minority. It is difficult to assess how reliant the military is on this group. They do seem to adopt positions consistent with the military's line and do not appear to have taken significant actions without the consent of military authorities.

Question

3(a). There has been speculation both as to how committed Cedras was to the Governor's Island process and as to how firmly he controls the military. It now appears that Cedras had no intention of fulfilling the Governor's Island Accord. What is your assessment as to the military's intentions?

Answer

General Cedras, on behalf of the High Command, signed an agreement at Governor's Island at which he made specific promises. The international community recognized that implementation would have to be carefully monitored. It was because of our concern about adherence to the agreements reached that sanctions were only suspended upon Prime Minister Malval's assumption of duties, lifted. When it became clear that the military was not honoring its commitments the international community swiftly reimposed sanctions.

We expect that strong enforcement of international sanctions and our own targeted sanctions coupled with strong diplomatic efforts under the leadership of Special Envoy Caputo will have the desired effect. When sanctions were imposed in June, they did succeed in bringing the Haitian military to the negotiating table.

Question

3(b). What insights can you offer as to who was responsible for the October 11 demonstration and killing of Justice Minister Malary?

Answer

We hold police officials responsible for the security situation in Haiti, including events at the port on October 11. As to the assassination of Justice Minister Malary, I am not prepared to discuss publicly the information we may have. I would be happy, however, to provide you with a private, classified briefing on any such information we may obtain.

Question

3(c). What differences between Cedras and Michel Francois, if any?

Answer

Our policy is not directed at personalities but at principles. We expect General Cedras to live up to his obligations to retire; we expect Lt. Col. Francois to live up to his obligations to accept reassignment; we expect all other parties to carry out their obligations as well.

Question

3(d). To what extent have events of the past week been driven by the military and police command and to what extent have they come from the rank-and-file, or can any difference be noted?

Answer

We hold the Armed Forces and the Chief of Police of Port au Prince responsible for the security situation in Port au Prince. I cannot speculate on whether these events were driven by the rank-and-file or others, but regardless, as commanders, General Cedras and Michel Francois must bear ultimate responsibility for these actions on behalf of their institutions.



BOSTON PUBLIC LIBRARY



3 9999 05981 618 9

ISBN 0-16-044116-1



9 780160 441165